



cop A

CALIFORNIA  
STATE  
LIBRARY  
DOCUMENTS DEPT.





0 2007 0636499 5

California State Library

**GOVERNMENT PUBLICATIONS**

**CALIFORNIA STATE LIBRARY**

**SACRAMENTO**

This book is due on the last date stamped  
below. Books may not be renewed.

**PLEASE RETURN TO CIRCULATION  
DESK ON 3rd FLOOR**

**APR 25 1985**

**MAY -8 2001**





# JOURNAL

OF

THE SEVENTH SESSION

OF

The Senate of the State of California,

BEGUN ON

THE SEVENTH DAY OF JANUARY, ONE THOUSAND EIGHT HUNDRED  
AND FIFTY-SIX, AND ENDED ON THE TWENTY-FIRST DAY  
OF APRIL, ONE THOUSAND EIGHT HUNDRED AND  
FIFTY-SIX, AT THE CITY OF SACRAMENTO.

---

Published by Authority.

---

SACRAMENTO:  
JAMES ALLEN, STATE PRINTER.

.....  
1856.

JOURNAL

THE SEVENTH SESSION

The Senate of the State of California

1867-68

Published by Authority

SACRAMENTO:

W. A. RAY, STATE PRINTER

1868



JOURNAL OF THE SENATE

JOURNAL

OF THE

PROCEEDINGS OF THE SENATE.

JOURNAL

OF THE

PROCEEDINGS OF THE SENATE



# JOURNAL OF THE SENATE.

MONDAY, January 7, 1856.

Pursuant to the provisions of the Constitution, the Senate met at 12 o'clock, M., and was called to order by Charles Dickinson, the Secretary of the last session.

Prayer by the Rev. Mr. Crouch.

Lieut. Governor Purdy then took the Chair, and directed the Secretary to call the names of the Senators holding over, and the following answered to their names :

Messrs. Burton, Day, Flint, French, Gove, Hawks, Hawthorne, Heintzelman, Hook, Lippincott, Mandeville, McCoun, McNeill, Norman, Rust, Scellen.

The following Senators elect answered to their names, presented their credentials, and were qualified by the Hon. A. C. Monson, Judge of the Sixth Judicial District :

Messrs. Coffroth, Cosby, McGee, Ferguson, Ashley, Crandall, Fiske, Dosh, Waite, McCallum, Shaw, Tilford, Bynum, Westmoreland, Wilson.

Mr. Heintzelman offered the following resolution :

*Resolved*, That the Standing Rules of the last Senate be adopted by this Senate, until further ordered, and that a Committee of three be appointed by the President to report suitable rules for the government of this body.

Mr. Coffroth moved to lay the same upon the table.

Upon which the ayes and noes were demanded by Messrs. French, Hawks, and Coffroth, with the following result :

AYES.

Messrs. Ashley, Burnett, Bynum, Coffroth, Cosby, Ferguson, Fiske, Flint, Hawks, Hawthorne, McCoun, McCallum, McGee, Scellen, Waite and Westmoreland—16.

## NOES.

Messrs. Burton, Crandall, Day, Dosh, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, Tilford, Wilson and President—17.

So the Senate refused to lay the resolution upon the table.

Mr. Coffroth called for a division of the question.

The question then being upon the adoption of the rules of last session, it was carried.

The question then recurring upon the passage of the resolution it was adopted, and the Chair appointed as such Committee, Messrs. Heintzelman, Burton and Rust.

Mr. Mandeville offered the following Resolution.

*Resolved*, That the Senate proceed to the election of officers of the Senate, in the following order: a Secretary and Assistant Secretary, Engrossing and Enrolling Clerks, Sergeant-at-Arms and Doorkeeper, President *pro tempore*, and Chaplain, as permanent officers of the present Session.

Mr. Coffroth moved to make it the special order for to-morrow at 12 o'clock, upon which the ayes and noes were demanded by Messrs. French, Hawks and Coffroth, with the following result:

## AYES.

Messrs. Ashley, Burnett, Bynum, Coffroth, Cosby, Ferguson, Fiske, Flint, Hawks, Hawthorne, McCoun, McCallum, McGee, Scellen, Waite and Westmorland—16.

## NOES.

Messrs. Burton, Crandall, Day, Dosh, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, Tilford, Wilson and President—17.

On motion of Mr. Burton, the resolution was laid upon the table.

Mr. Hawks moved to adjourn, upon which the ayes and noes were demanded by Messrs. French, Hawks and Coffroth, with the following result:

## AYES.

Messrs. Ashley, Burnett, Bynum, Coffroth, Cosby, Ferguson, Fiske, Flint, Hawks, Hawthorne, McCoun, McCallum, McGee, Scellen, Waite, Westmoreland and Wilson—17.



NOES.

Messrs. Burton, Crandall, Day, Dosh, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw and Tilford—15.

So the Senate adjourned to meet to-morrow at 11 A. M.

SAM. PURDY,

President Senate.

Attest:

C. DICKINSON,

Secretary of the Senate.

IN SENATE.

TUESDAY, January 8, 1856.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Pratt.

Lieutenant Governor in the chair.

The Journal of yesterday was read and approved.

The Hon. Wm. C. Burnett, Senator elect from Yuba, made his appearance, presented his credentials, and was duly qualified by the President of the Senate.

Mr. Coffroth offered the following resolution:

*Resolved*, That the Senate proceed to the election of Officers, in the following order:

- 1st—President, *pro tem*.
- 2d—Secretary of the Senate.
- 3d—Assistant do. do.
- 4th—Sergeant-at-Arms of the Senate.
- 5th—Engrossing Clerk.
- 6th—Enrolling do.
- 7th—Door Keeper.
- 8th—Chaplain.

Adopted.

Mr. Burton moved to adjourn, upon which the ayes and noes were demanded, by Messrs. Burton, Coffroth and Mandeville, with the following result:

AYES.

Messrs. Burton, Crandall, Day, Dosh, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, and Tilford—15.

NOES.

Messrs. Ashley, Burnett, Bynum, Coffroth, Cosby, Ferguson, Fiske, Flint, Hawks, Hawthorne, McCallum, McCoun, McGee, Scellen, Waite, Westmoreland, Wilson—17.

So the Senate refused to adjourn.

Mr. Mandeville moved to lay the resolution on the table, upon which the ayes and noes were demanded, with the following result;

AYES.

Messrs. Burton, Crandall, Day, Dosh, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, and Tilford—15.

NOES.

Messrs. Ashley, Burnett, Bynum, Coffroth, Cosby, Ferguson, Fiske, Flint, Hawks, Hawthorne, McCallum, McCoun, McGee, Scellen, Waite, Westmoreland, and Wilson—17.

So the motion was lost.

Mr. French moved to make the resolution the special order for to-morrow at 12 M.

Upon which Mr. Coffroth demanded the previous question.

Sustained.

The question then being, "Shall the main question now be put."

The ayes and noes were demanded by Messrs. Mandeville, Hawks and French, with the following result:

AYES.

Messrs. Ashley, Burnett, Bynum, Coffroth, Cosby, Ferguson, Fiske, Flint, Hawks, Hawthorne, McCallum, McCoun, McGee, Scellen, Waite, Westmoreland, and Wilson—17.

NOES.

Messrs. Burton, Crandall, Day, Dosh, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw and Tilford—15.

The question then recurred upon the adoption of the resolution. It prevailed.

The election of officers being next in order,

Mr. Hawks nominated Mr. D. R. Ashley, of Monterey, for President *pro tem*.

Mr. Lippincott nominated Mr. J. W. Mandeville, of Tuolumne, for the same position.

Those who voted for Mr. Ashley were—

Messrs. Burnett, Bynum, Coffroth, Cosby, Ferguson, Fiske, Flint, Hawks, Hawthorne, McCoun, McCallum, McGee, Scellen, Waite, Westmoreland and Wilson—16.

Those who voted for Mr. Mandeville were—

Messrs. Burton, Crandall, Day, Dosh, French, Gove, Heintzleman, Hook, Lippincott, McNeill, Norman, Rust, Shaw and Tilford—14.

Mr. Mandeville voted for Mr. Burton.

Mr. Ashley having received a majority of the votes cast, the President declared him duly elected.

For the position of Secretary of the Senate :

Mr. Ferguson nominated Mr. Wm. Bausman.

Mr. Lippincott nominated Mr. Waldron of Eldorado.

Those who voted for Mr. Bausman were—

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Ferguson, Fiske, Flint, Hawks, Hawthorne, McCoun, McCallum, McGee, Scellen, Waite and Westmoreland—17.

Those who voted for Mr. Waldron were—

Messrs. Crandall, Day, Dosh, French, Gove, Heintzleman, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, Tilford and Wilson—15.

Mr. Bausman having received a majority of the votes cast he was declared elected.

For Assistant Secretary.

Mr. Flint nominated Mr. Racey Biven, of San Joaquin county.

Mr. Lippincott nominated Mr. Andrew Brady of Yuba county.

Those who voted for Mr. Biven were—

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Ferguson, Fiske, Flint, Hawks, Hawthorne, McCoun, McCallum, McGee, Scellen, Waite, Westmoreland and Wilson—18.

Those who voted for Mr. Brady, were —



Messrs. Caandall, Day, Dosh, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, and Tilford—14.

Mr. Biven having received a majority of the votes, he was declared duly elected.

For Sergeant-at-Arms :

Mr. McCoun nominated Mr. J. W. Ross, of Los Angeles,

Mr. Lippincott nominated F. A. Park.

Those who voted for Mr. Ross, were—

Messrs. Ashley, Burnett, Bynum, Coffroth, Cosby, Ferguson, Fiske, Flint, Hawks, Hawthorne, McCoun, McCallum, McGee, Scellen, Waite, Westmoreland, and Wilson—17.

Those who voted for Mr. Park, were—

Messrs. Burton, Crandall, Day, Dosh, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, and Tilford—15.

Mr. Ross having received a majority of the votes cast, he was declared duly elected.

For Engrossing Clerk :

Mr. Fiske nominated Mr. Miller.

Mr. Lippincott nominated Mr. Ferguson.

Those who voted for Mr. Miller, were—

Messrs. Ashley, Burnett, Bynum, Coffroth, Cosby, Ferguson, Fiske, Flint, Hawks, Hawthorne, McCoun, McCallum, McGee, Scellen, Waite, Westmoreland, and Wilson—17.

Those who voted for Mr. Ferguson, were—

Messrs. Burton, Crandall, Day, Dosh, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, and Tilford—15.

Mr. Miller having received a majority of the votes cast, he was declared elected.

For Enrolling Clerk :

Mr. McGee nominated Mr. A. E. Waite.

Mr. Lippincott nominated Mr. C. Dannals, of Yuba.

Those who voted for Mr. Waite, were—

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Ferguson, Fiske, Flint, Hawks, Hawthorne, McCoun, McCallum, McGee, Scellen, Waite, and Westmoreland—17.

Those who voted for Mr. Dannals, were—

Messrs. Crandall, Day, Dosh, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, Tilford, and Wilson—15.

Mr. Waite having received a majority of the votes cast he was declared elected.

For Doorkeeper

Mr. Coffroth nominated Mr. Means.

Mr. Lippincott nominated Mr. Jno. McGlenchy.

Those who voted for Mr. Means, were—

Messrs. Ashley, Burnett, Bynum, Coffroth, Cosby, Ferguson, Fiske, Flint, Hawks, Hawthorne, McCoun, McCallum, McGee, Scellen, Waite and Westmoreland—16.

Those who voted for Mr. McGlenchy, were—

Messrs. Burton, Crandall, Day, Dosh, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeil, Norman, Rust, Shaw, Tilford, Wilson and Mr. President—17.

There being a tie vote, the President gave his casting vote in favor of Mr. McGlenchy, whereupon he was declared duly elected.

For Chaplain :

Mr. Hawks nominated Mr. Crouch.

Mr. Hook nominated Mr. Diehl.

Mr. Waite nominated Mr. Shuck.

Mr. Burton nominated Mr. Pratt.

Mr. Day nominated Mr. Benton.

Those who voted for Mr. Crouch, were—

Messrs. Ashley, Bynum, Hawks, Hawthorne, Lippincott, McCoun, McNeil, Norman, Scellen, Shaw and Tilford—11.

Those who voted for Mr. Diehl, were—

Messrs. Coffroth, Dosh, Fiske, Flint, Hook and Mandeville—6.

Those who voted for Mr. Shuck, were—

Messrs. Ferguson, McGee, Waite and Westmoreland—4.

Those who voted for Mr. Pratt, were—

Messrs. Burnett, Burton, Cosby, Gove, Heintzelman, McCallum and Rust—7.

Those who voted for Mr. Benton, were—

Messrs. Crandall and Day—2.

None of the candidates having received the necessary number of votes for a choice, the Secretary proceeded with the second ballot, when

Mr. Burton moved to adjourn.

Lost.

Mr. Mandeville moved to lay so much of the resolution concerning the election of officers, as related to the election of Chaplin, upon the table.

Agreed to.

Mr. Shaw gave notice that he would, at an early day, introduce the following bills and resolutions:

A bill for an Act recommending to the electors to vote for or against a Convention to revise and change the Constitution of this State.

A Joint Resolution, instructing our Senators, and requesting our Representatives in Congress to urge the passage of a law, donating the title of the United States in our mineral lands to this State, in trust, for the general use and benefit of the miners thereon, being citizens of this State, and those who shall hereafter become such, securing to each the right of ownership therein, in such limited quantities, as the exigencies of each mining locality and different kind of mining may demand; but only to such extent, and for such length of time, (to be regulated by law,) as the same shall be actually worked by the claimant or claimants thereof.

Also, a bill for an Act to quiet land titles in this State.

Also, a bill for an Act to regulate interest on money.

Mr. Coffroth presented the following concurrent resolution:

*Resolved*, By the Senate, (the Assembly concurring,) that the two Houses will meet in Joint Convention to-morrow, January 9th, 1856, at 12 M., to canvass the votes for Governor and Lieutenant Governor.

Mr. French moved to lay the same upon the table.

Lost.

The resolution was then adopted.

Mr. Coffroth submitted the following concurrent resolution:

*Resolved*, By the Senate, (the Assembly concurring,) that the Senate will meet the Assembly on Wednesday, January 9th, 1856, at 2 o'clock P. M., to inaugurate the Governor and Lieutenant Governor elect, and that a committee of three be appointed on the part of the Senate, and a like number on the part of the Assembly, to make the necessary arrangements.

Mr. Heintzelman moved to lay the resolution upon the table.



Lost.

The resolution was then adopted.

The Chair appointed the following committee, Messrs. Coffroth, Dosh, and McNeill.

Mr. Heintzelman offered the following resolution, which was adopted.

*Resolved*, That the Secretary of the Senate be requested to inform the Assembly that the Senate has organized by the selection of permanent officers, and is ready to proceed to legislative business.

The officers elect were then severally qualified by the President of the Senate.

On motion of Mr. Mandeville the Senate adjourned until to-morrow at 11 A. M.

Attest:

SAM. PURDY,  
President of Senate.

C. DICKINSON,  
Secretary of the Senate.

## IN SENATE.

WEDNESDAY, January 9, 1856.

Senate met pursuant to adjournment.

Prayer by Rev. Mr. Shuck.

Lieutenant Governor in the chair.

The Journal of yesterday was read and approved.

Mr. Mandeville offered the following resolution.

*Resolved*, By the Senate (the Assembly concurring,) that a committee of two from each House, be appointed to wait on His Excellency, the Governor, and inform him that both Houses are organized, and ready to receive any communication that he may be pleased to make.

Adopted.

The President appointed Messrs. Mandeville and Day said committee.

Mr. Mandeville offered the following Resolution.

*Resolved*, That the Sergeant-at-Arms of the Senate is hereby directed to make arrangements with the Postmaster of this City for the transmission of letters, papers and documents to and from Senators during the session of the Legislature.

Mr. Burton offered the following as a substitute.

*Resolved*, That the Sergeant-at-Arms be authorized to purchase 4000 three cent letter envelopes and 5000 one cent newspaper stamps for the use of the Senate.

Adopted.

- The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate, that the Assembly has concurred in the resolution passed by the Senate, to meet in Joint Convention this day, to canvass the votes for Governor and Lieutenant Governor, and that the Assembly is organized and ready for business; and has also appointed a committee of two to wait upon the Governor.

J. M. ANDERSON,  
Clerk.

January 9, 1856.

Mr. McCoun offered the following resolution:

*Resolved*, by the Senate, the Assembly concurring, That a Joint Committee of two from each House be appointed, to confer with the Board of Supervisors of Sacramento County, and ascertain what amount, (if any,) they will charge the State for the use of this building.

After some discussion, the resolution was withdrawn.

Mr. Coffroth moved to go into the election of a Chaplain.

Mr. Burton moved to postpone the same indefinitely.

Upon which, the ayes and noes were demanded by Messrs. Burton, Ashley, and French, with the following result:

AYES.

Messrs. Ashley, Burton, French, Norman, Scellen, and Waite—6.

NOES.

Messrs. Burnett, Bynum, Coffroth, Crandall, Cosby, Day, Dosh, Ferguson, Fiske, Gove, Hawks, Hawthorne, Heintzelman, Hook, Lippincott, Mandeville, McCoun, McCullum, McGee, McNeill, Shaw, Tilford, Westmorchard, Wilson—24

Mr. Mandeville offered the following report :

*Mr President :*

The Committee appointed to wait on his Excellency the Governor, and inform him of the organization of both Houses, and that they are ready to receive any communication that he may have to make, report : That they have discharged their duty, and that the Governor informed them that he would be ready to communicate in writing in twenty minutes.

Accepted.

The following message and accompanying documents were received from his Excellency the Governor :

## ANNUAL MESSAGE.

EXECUTIVE DEPARTMENT, )  
SACRAMENTO, January 9, 1856. }

*Fellow-Citizens of the Senate and Assembly:*

Having assembled as the immediate representatives of a free people to deliberate upon the varied wants and interests of a great State, the duty again devolves on me as Chief Executive of communicating with you by message, setting forth the "condition of the State" and recommending such measures as I "may deem expedient," and promotive of the prosperity, happiness, and wealth of our common constituents.

The manifold interests committed to your care, and which it will be your duty to foster and protect, are of vast importance to the whole people, and as their representatives, it affords me sincere pleasure at the opening of a new year, to welcome you to the scene of your legislative labors, and to express the confident hope that all your acts will not only accord with the public will, but redound to the increased prosperity of our young State.

You have assembled under circumstances the most auspicious, and at a time, too, when wise counsels and judicious legislation will immeasurably advance the onward progress of California to that high position among the confederacy of sovereign States to which she is so eminently entitled.

For the first five years of our history, it may well be said that California was placed in a peculiar, anomalous, and even perilous condition; when Legislatures were necessarily surrounded by circumstances well calculated to retard her growth and advancement, and to encumber her with indebtedness beyond any former precedent in the history of other States of the confederacy.

Before, however, setting forth the financial condition of the State at the present time, and suggesting such measures of economy and reform as are deemed necessary to reduce the expenditures of Government, it may not be improper briefly to call your attention to a few facts and circumstances connected with the early history of the State, that you may the better understand and appreciate the real causes of the indebtedness incurred. For notwithstanding the errors which may have been committed from a lack of correct information and experience as to the wants and requirements of a new State, passing from one stride from the cradle to the cradle of full manhood.



just inferences only to be drawn from a careful examination of the various causes which have, to a very great extent, laid the foundation of our indebtedness.

It will be remembered that California, unlike other new States of the confederacy, never received the fostering care of the General Government, and had no Territorial organization,—that wise provision, aptly termed the period of probation and tutelage, during which the agents of a young community are expected to develop the latent resources of the future State, become acquainted with the wants and requirements of its people, and learn that experience so necessary to judicious and proper legislation: and that, too, without feeling the blight of onerous taxation to support a cumbersome and perhaps unnecessary State Government. But from the date of its first settlement to its admission into the Union, California had been denied the fostering and protecting care of Congress, and only felt the rigor of its laws in the collection of revenue for the support and maintenance of that Government which had failed to make provision for the wants and necessities of her people.

The failure of Congress to provide a territorial Government for California compelled her people to institute and set in motion all the machinery of an expensive State Government without a dollar in the treasury to pay the expenses attendant upon its inauguration and maintenance.

With an empty treasury, the members of the first Legislature assembled, and upon them devolved not only the onerous duty of providing for the payment of indebtedness already incurred and for the immediate and accruing demands of the government, but at the same time to give form and vitality to the chaotic elements, which it was requisite to mould to the genius of our people and the character of our republican institutions. Thus surrounded by circumstances calculated to dampen the ardor and depress the spirits of a body of men less determined to complete the work of organizing a new State, the members of that Legislature cast about for the means of carrying on the new government. The plan finally adopted, although believed by many to be ruinous in its consequences, and at the time so regarded by myself, was the issuance of bonds known as the three per cent. bonds, bearing an interest at the rate of three per cent. per month. Although the policy of this measure has been doubted by some, and unequivocally condemned by others, it is still true that the peculiar condition of affairs at that time, the urgent necessity for funds, and pressing circumstances with which the representatives of the people were surrounded, would seem to offer an excuse, if not a justification, for its adoption.

However that may be, and it is perhaps unnecessary here further to inquire into the policy or necessity of this measure, certain it is, that it laid the foundation of our present indebtedness, and to it may justly be ascribed much of the debt at present existing. For although the amount of three per cent. bonds issued was comparatively small, they remained outstanding a long time, with interest fast accumulating, and not until 1854 had the whole issue been entirely redeemed by cash payments from the treasury, and not until after the interest had exceeded the whole amount of the principal.

The State was consequently compelled to defer *cash* payments for other objects until bonds bearing such a ruinous rate of interest, had been redeemed and cancelled. Thus, mainly by this act, was forced upon us the *scrip system*, the results of which, it need hardly be said, after our too long experience, are so fatal to the financial credit of a State, and proper economy in the administration of its affairs.

The State, thus commencing its operations, devoid of funds or the immediate means for assessing and collecting revenue, was compelled, to pay most extraordinary prices for service performed or material furnished. Without necessary public buildings for the Legislature, State officers, and Courts, large

appropriations were requisite in payment for office rents. There was no prison for the safe keeping of convicts, and large amounts were expended in the pursuit, detection, conviction, and punishment of offenders against the laws.

The sick and destitute arriving in a strange land, far removed from friends and family, after undergoing the toils, hardships, and privations of a long, tedious, and perilous journey, were to be cared for at the public expense, and in answer to the dictates of common humanity. Large sums (in the aggregate about one million two hundred thousand dollars,) were appropriated, not only to sustain hospitals for the afflicted already within our borders, but to aid and assist the immigration of two successive years.

Destitute of money at the organization of the Government, and necessary expenditures every day increasing, with little or no revenue coming into the coffers of the State, our bonds and warrants on the treasury greatly depreciated in value, and it was not until a much later period that they commanded over *sixty cents* on the dollar. Thus was the State compelled for every service performed, for salaries of officers, for work done or materials furnished, to add nearly one hundred per cent. to the price for which the same could have been had if the treasury had not been entirely depleted, or rather, empty from the beginning. The Constitution, too, provided for a Government on too grand and expensive a scale to admit of an economical administration of its affairs. Many offices were thus created, unnecessary at the time, and causing a vast outlay of money in their organization and support; annual instead of biennial sessions of the Legislature were authorized; in a word, so cumbrous and expensive was the machinery of Government thus provided for, that many and important alterations in that instrument have already been suggested, in view of greater economy in future, and still others are demanded by the condition of the treasury and the requirements of the people.

At that day, too, there was a marked difference in the condition of the country from that presented now. The first immigration, and that of several succeeding years came hither not as settlers, but as adventurers, seeking to better their condition from the rich gold fields of California, and then speedily return to their homes on the other coast. Few, if any, brought with them their families, their farming implements, or their household gods: but equipped with those modern and novel implements of progress, the pick and rocker, wandered along the golden placers of our rivers, or delved in the rugged mountain side, in search of the glittering ore, which was to take back light, and comfort, and joy, to hearth-sides far away, where expectant fathers, mothers, wives, and children awaited the coming of the wanderer.

The consequence of this was a state of society unparalleled in the history of States, and unsettled in its character. Each one roaming at large in quest of new discoveries, taxes could neither be levied nor collected, and taxable property of course was rare.

Our fertile valleys and boundless plains, now yielding their rich products to the husbandman and contributing so largely to the support of the State, were then desolate—the sod unturned by the plowshare, unadorned by the farmhouse. The revenue collected for the first three or four years was for these reasons far inadequate to meet the repeated and necessary demands on the Treasury.

Each year, hoping to abolish the *scrip* system and assume *cash* payments, the floating indebtedness of the State was funded, and bonds bearing an interest of seven per cent. per annum issued in its stead,—rendering it necessary to impose additional taxation upon the people in order to meet accruing interest and provide for the gradual redemption of the bonds thus issued.

The foregoing, however, are not the only facts connected with the debt of the

State worthy of consideration, in estimating the many and extraordinary causes which have rendered necessary the expenditure of large sums over and above the revenue received into the Treasury.

Of the existing State debt, about one million two hundred thousand dollars were expended in providing for the necessities of the sick, destitute and insane; one hundred and twenty thousand for Census of 1852, taken in accordance with constitutional requirement; three hundred and fifty thousand dollars in the erection of a Prison and wall for the safe-keeping of convicts; one hundred and fifty thousand dollars for the Insane Asylum Building and furniture; thirty thousand for furniture for the Capitol, last year, and twenty-three thousand seven hundred and eighty-one dollars and eighty-two cents in 1851; Sheriffs for guarding prisoners in 1851, forty-six thousand and thirty-one dollars; ten thousand for rent of State Offices for the year 1855; not less than sixty thousand for previous years;—and other equally important expenditures not necessary here to specifically enumerate, amounting in the aggregate to a sum but little less than the entire indebtedness of the State at the present time.

Notwithstanding the difficulties which surrounded and seriously embarrassed the State Government in its incipency, and which to some extent still exist, the credit of California, abroad and at home, has been well sustained by the promptness with which outstanding bonds have been redeemed, at maturity, in every instance, and the punctuality which has always characterized the payment of interest when due.

A comparison of the financial condition of California with that of other Western States, can be favorably instituted—the States of Missouri, Iowa and Wisconsin alone, having a smaller amount of indebtedness than California; the others much larger. The State debt of Indiana is eleven millions forty-eight thousand dollars; that of Illinois, sixteen millions seven hundred and twenty-four thousand one hundred and seventy-seven dollars; that of Alabama, three millions nine hundred and eighty-three thousand six hundred and ten dollars; that of Michigan, two millions six hundred and sixteen thousand nine hundred and eighty-one dollars and seventy-eight cents; and Texas, six millions eight hundred and twenty-seven thousand two hundred and seventy-eight dollars.

It should moreover be remembered that all of these States, except Texas, were provided for a series of years with a Territorial Government, the expenses of which were paid from the National Treasury, and neither was compelled, as was California, to organize an expensive State Government before the condition of the country fully prepared her people to sustain the same. It is also true that neither of the States named was called upon to interpose and expend from its own coffers in less than three years so large a sum as one million two hundred thousand dollars in support of the unfortunate sick, insane and destitute.

These are a few of the causes which have necessarily contributed to the accumulation of the existing State debt, and their recital thus briefly is deemed sufficient to absolve the Government and its administrators from the charge of undue extravagance or reckless indifference to the interests of the people.

The annual expenditures of the Government, rendered unnecessarily large by a Constitution framed at so early a period in the history of a people assembled on these shores from all the States of the Union and nearly every nation of Europe, have prevented the cancellation of this heavy debt cast upon the State at the very inception of its organization, and in fact before it was fully completed. Though not disposed to cast censure upon the officers of the Federal Government for failing to meet the crying wants of our people on these shores, I cannot refrain from expressing the opinion that to the neglect of the authorities at Washington to provide a territorial organization for California, at a time, too, when they were levying duties upon our citizens for the support of that



Government, we may look as the cause of many of the evils our people have suffered and of the excessive burthens they have been compelled to bear.

Having thus briefly touched upon some of the more important of the many causes which laid the foundation of our existing State debt, and which have up to the present time rendered necessary the levying of high rates of taxation, it affords me sincere gratification to be enabled to assure you, that in all the elements of substantial prosperity and real wealth, the State, during the past year, has progressed to an extent unequalled by that of any former period in our history. The soil has yielded to the labors of the husbandman a most plentiful return, and with a productiveness unparalleled either here or elsewhere. The harvest of 1855 has firmly established the claims of our young State to a high and decided pre-eminence over any other in the Union, in point of extreme fertility and agricultural productiveness. No longer, as of yore, do we look alone to our rich placers and mountain gulches for wealth and the means of sustaining our world-wide commerce and our own prosperity—but the abundant and no less wonderful products of a most prolific soil have excited the admiration and attracted the notice, not only of our sister States, but of all the nations of the civilized world. No longer are our cities the mere receptacles of foreign products and our merchants the agents through whose hands is passed the glittering ore in exchange for articles raised and manufactured abroad.

Our capacious warehouses and well filled granaries, our stores, shops and buildings of every character are teeming with the home products of the agriculturist, the mechanic and the artizan.

While we are no less proud of the unparalleled wealth of the mountain and river side, and still boast of gold as the great staple of California, it is a source of gratification that it is not alone to that we look as the basis of enduring wealth and prosperity, but also to the boundless agricultural resources each day being developed.

From one end of the State to the other—from San Diego to Siskiyou, every valley and plain evidences the gratifying fact that our people are fast turning their attention to agricultural pursuits. The farm-houses dotting our river sides—the ranches of our mountain slopes—the innumerable herds of the southern plains—all evince not only the happiness, contentment, and prosperity of our people, but also the permanent character of our settlements, and progress in industrial and peaceful pursuits. Immigrants hither, come not now to sojourn a brief period and then leave our shores forever, but they come with their wives, children and parents, to remain as permanent citizens: to surround themselves with all the comforts, blessings, and endearments of home, and adding their mite to the general prosperity, to lay the foundation of the future greatness awaiting this young State. These are the elements—the forerunners of enlightened civilization, and to the harmonizing influences of home, of friends, and the fire-side circle, must we look for future wealth and enduring progress in the paths of peace, happiness and prosperity.

The past year has given gratifying evidences not only of the unequalled fertility of our soil, and the adaptability of our climate to the culture of the staples and luxuries of commerce, but also of the interest manifested in agricultural pursuits, and the skill, science and learning even now employed in our midst, in the improvement and invention of machinery and farming implements.

The State Fair of the Agricultural Society of California, held in Sacramento during the month of September, while serving to stimulate our farmers to renewed exertions, and affording an opportunity of exhibiting the wonderful and varied products of our soil, was, I am pleased to say, attended with complete success, and such annual exhibitions are eminently conducive to the best interests

of the State, and deserving the highest consideration, as well as your fostering care and encouragement.

Nor have we been neglectful of the wants and necessities of the rising and future generations, but with a liberal hand the State has, while providing for present wants, laid the foundation of a vast fund, devoted to the support and maintenance of a system of Common Schools.

During the year just closed, institutions of learning have been organized at several points in the State, under the most flattering prospects of future success.

Three Colleges have already been incorporated, and under the conduct of experienced professors give promise of becoming institutions worthy of California.

Our public Schools—the deserving objects of your unceasing and peculiar care and support, are, I am pleased to say, in a most flourishing condition, and daily extending their ramifications throughout the cities, towns, villages and hamlets of every county of the State, placing within the reach of all, irrespective of class or condition, the unequalled blessings of a free and liberal education.

As our population becomes more and more settled and permanent—as families come in daily among us—and homes arise on every side—it is the part of wisdom as well as of duty, to see that ample means are provided for fitting the children of the State to become educated and properly trained citizens, well informed as to their rights, duties and responsibilities, after they shall have been called upon to partake of the privileges and blessings, and to bear the burthens of freemen in this highly favored land.

Intelligence is rightly esteemed as the impregnable bulwark and safeguard of American institutions, without which our liberties can neither be defended against the assaults of ignorance and superstition, nor properly appreciated in the hearts of the people. It is therefore, no less our duty than it should be our endeavor to sustain by every legitimate means, all systems for the education of our youth, and all institutions designed to promote the moral and intellectual well-being of those embryo citizens and statesmen who will soon be called to take part in the busy affairs of life, and assume in our stead the reins of republican government.

Thus only can the civil and religious liberty bequeathed to us as a heritage from our fathers, be transmitted pure, unsullied, and undefiled, to our children through all future generations.

It is, in fact, worthy of sincere and heartfelt congratulation that, although as late as January 8th, 1852, the date of my first inauguration, we had no system of common schools, and were not possessed of a dollar of school fund, we can now boast of a system scarcely inferior to that of any of our sister States, and a fund in the treasury of over half a million, inviolably devoted to the maintenance and support of that system and the education of the children of the State.

A detailed statement, containing statistics and important suggestions relating to this highly interesting subject, will soon be transmitted for your consideration by the Superintendent of Public Instruction. From his report, it will be seen that the number of public schools now in actual operation is 221; teachers, 304; the number of children in attendance, 25,398.

Until within the last year, the State has been entirely dependent on the good faith and ability of private citizens for the safe keeping and punishment of criminals sentenced to the State prison, that institution having been placed under the control of a single individual by virtue of a contract made in 1851. It is, perhaps, needless to refer to the numerous escapes of prisoners, and the consequent fears, at times, entertained by our people, or to adduce reasons why that institution should at all times be under the direct control of the State through agents responsible to the people.

The events of the last fifteen months have conclusively settled that point, and

it affords me sincere pleasure to be able to inform you that on the —— of June 1852, the lessee relinquished to the State his contract, and turned over to the Directors appointed under the act of May 7th, 1855, the prison buildings, grounds, and prisoners, as will more fully be seen by reference to documents herewith transmitted.

Since the Directors have taken charge of the convicts, they have, in compliance with the provisions of the said act, commenced and completed a good and substantial wall around the prison, averaging twenty feet in height above ground: quite sufficient to confine and safely keep one thousand convicts, and rendering escapes in the future less frequent than heretofore, if not altogether impossible.

The completion of this wall will not only secure the confinement and punishment of convicts, but materially diminish the number of guards and others heretofore necessarily employed in and about the prison, and of course greatly reduce expenses. The whole number of prisoners now confined in the State Prison is *four hundred and twenty-seven*.

In instituting a comparison between our present condition and that of January 8th, 1852, in regard to works and institutions of public necessity and utility, the asylum for the insane at Stockton is noted as not the least creditable to the State, whose beneficence has thus provided for the wants of those who have been bereft of the light of reason, far from home and friends. This splendid edifice, the work of our own artisans and mechanics, no less beautiful and ornate than useful and necessary, is at once an ornament to the city of Stockton and an enduring monument, attesting the progressive spirit and liberality of the State.

In a few days more, the official relations between the representatives of the people and myself will have ceased, and the cares and responsibilities of the Executive of a great State will have devolved upon another, and, although it will be with him that you will hereafter be called upon to co-operate in maturing such acts as are demanded by the wants and interests of our common constituents, I nevertheless deem it my duty to invite your attention to measures regarded by me as important to the whole people, many of which I have, from time to time, in various annual and special messages, urged upon the consideration of your predecessors.

Heretofore, during the past four years, I have esteemed it my duty, under the Constitution, to urge upon the attention of the people's representatives various measures, constituting in themselves a system for the more economical administration of the Government, and which, in a brief period it was confidently believed, would extinguish the indebtedness already incurred, and extricate the State from present and future financial difficulties.

While some of these recommendations have received from your more immediate predecessors proper consideration, and the measures suggested matured and received legislative sanction, others of equal importance have failed to secure that attention and action essential to give them force, form, and vitality as laws.

In this, my last official communication with your honorable body, and on the eve of retiring from public station to the quietude of private life, I do not consider it necessary to do more than briefly and respectfully refer you to the recommendations heretofore made by me, which have not as yet been acted upon; and while assuring you that my mind has undergone no change as to their policy, propriety and necessity, to express the hope that you will, at an early day, bestow upon them the careful consideration which their great importance to the interests and welfare of the people, whose agents you are, assuredly demands.

I have heretofore, as will be discovered on examination, repeatedly recommended more strict economy in legislative expenses, and beg leave again to invite your attention to this highly important item of State expenditures, that you may, at the outset of your responsible labors, avoid contracting the heavy



and unnecessary indebtedness heretofore incurred by your predecessors, more perhaps from carelessness and inattention to what has frequently been regarded as but small matters, than from lack of interest in what concerns the welfare of the State.

The expenses of the late Legislature for clerical services alone, exceeded in the aggregate the enormous amount of one hundred thousand dollars—a sum more than treble the amount actually necessary, and nearly equal to the entire legislative expenses of many of the States of the confederacy.

The recommendations made during the sessions of '52–3–4 and 5, in relation to a reduction of expenditures in the several departments of the State government, are again reiterated, and your attention earnestly invited to the subject as one of much importance to the tax-payers of the State.

In response to recommendations made by me in the annual messages of 1853, '54 and '55, the last legislature matured and passed several amendments to the Constitution of the State. These amendments are all regarded by me with peculiar favor, as eminently proper and necessary, and it is hoped they will, ere your adjournment, receive favorable consideration. The most important of the amendments proposed, is that providing for biennial instead of annual sessions of the legislature.

This alone, if adopted, will save to the State annually, the large sum of one hundred and seventy-five thousand dollars, now needlessly expended under the Constitution.

As a measure therefore, of practical economy, and as one demanded alike by the voice of the people and the interests of the State, it is hoped it will not fail to receive your sanction, and be submitted to a vote of the people for their ratification.

The second, third, and fourth amendments proposed, are necessary in order to harmonize other provisions of the Constitution with that providing for biennial sessions of the legislature.

The fifth amendment, requiring a new Constitution, in case one should hereafter be framed by a convention of delegates assembled for that purpose, to be submitted to the people, and by them adopted before being recognised as the fundamental law of the State, is one of great importance, and it is hoped will, with the others, receive favorable consideration and early action.

This amendment is necessary to supply a most important omission in the present constitution, which instrument, although it makes provision for the calling of a convention to revise the organic law of the State, does not require the Convention to submit the result of their labors to a vote of the people, but makes their action, for weal or for woe, final and binding upon the people of the State.

This radical defect, and one capable of much injury and inconvenience to the people, is remedied by the fifth amendment, which secures to them the right of adopting or rejecting a new Constitution, after having been framed by a convention of delegates of their own choosing.

#### STATE FINANCES, DECEMBER 31st, 1855.

Amount of 3 per cent. Bonds outstanding,	-	-	-	\$2,925 00
" Interest on same,	-	-	-	3,963 95
" Seven per cent. Bonds, 1851,	-	-	-	268,500 00
" " " " 1852,	-	-	-	1,390,000 00
" " " " 1855,	-	-	-	700,000 00
" Outstanding Comptroller's Warrants,	-	-	-	568,687 52
" State Prison Bonds,	-	-	-	9,000 00
				<hr/>
				\$2,906,376 47



Deduct amount of Cash in Treasury,	-	-	-	112,106 01
Total amount of Civil Indebtedness, December 20th, 1855, exclusive of the School Fund,	-	-	-	2,804,269 46
Balance due from the sales of property made in San Francisco,	-	-	\$295,000 00	
Balance of the 25 per cent, due to the State from the city of San Francisco, on the sale of property made December 26th, 1853, under the Water Lot Act of March 26th, 1851,	-	-	165,000 00	
Amount due from Wharves in the city of San Francisco, as reported by the Attorney General in 1854.	-	-	20,110 70	
				\$480,110 70
Amount of indebtedness <i>unprovided</i> for Dec. 31, 1855,	-	-	-	\$2,324,158 76
Amount of indebtedness <i>unprovided</i> for, January 1, 1852, (see message of 1854,)	-	-	-	\$2,294 830 66
As the civil debt of the State has been considerably increased during the year 1855, I deem it proper, in explanation, to give some of the more important items, and which are <i>exclusive</i> of the large amount paid for the erection of the State Prison wall, most of them being made to meet deficiencies.				
These several amounts, although apparently constituting expenditures of the year 1855, were, with the exception of \$10,000, actually applied in payment for indebtedness incurred before the first day of January of that year, as follows:—				
Deficiency, Act of January 17th, 1855,	-	-	-	\$134,500 00
“ “ February 2d, “	-	-	-	100,000 00
“ “ March 11th, “	-	-	-	98,750 00
“ “ April 11th, “	-	-	-	17,730 00
Appropriation State Marine Hospital,	-	-	-	100,000 00
“ Escheated estates,	-	-	-	30,000 00
“ Orphans’ Asylum,	-	-	-	10,000 00
“ Extra work on Prison buildings,	-	-	-	10,000 00
				\$500,980 00

Congress having assumed the *War Debt*, and directed the sum of nine hundred and twenty-four thousand, two hundred and fifty-nine dollars and sixty-five cents, (\$924,259 65,) to be paid into the treasury of the State of California, will unquestionably provide for the payment of the balance. Indeed, I have ever regarded the entire war debt as an *apparent* rather than *real* debt of the State: the general government being clearly liable for the payment of every cent of it.

In accordance with the requirements of an act passed at the last session of the Legislature, I transmitted to the Secretary of War a certified statement, setting forth the several amounts paid by the State of California during the years 1850 and 1851, in the suppression of Indian hostilities.

The statements were duly received, but the Secretary of War—as will be seen by reference to his letter, bearing date Washington City, July 18th, 1855, a copy of which is herewith transmitted—declines payment of the amount appropriated, until placed in possession of the several vouchers upon which warrants and bonds were issued by the State of California, claiming, as it appears, the right to question the propriety of such payments, and, should he deem the vouchers unsatisfactory, to refuse to pay over to the State the money appropriated by Congress.

By reference to pages 582 and 583 of the United States “Statutes at Large,” of 1854, it will be seen that the section numbered three (9) of the act making

appropriations for the support of the army, directs the Secretary of War "to examine into and ascertain the amount of expenses incurred and *now actually paid* by the State of California in the suppression of Indian hostilities within the said State, from the 1st day of January A. D. 1854, and that the amount of such expenses be paid out of the Treasury of the said State."

In compliance with the provisions of the above quoted act of last session was paid, and statements rendered, by the proper constitutional officers, duly authenticated by the Governor of California, and the impression that nothing further was necessary or proper, caused the late Congress to authorize the prompt and immediate payment into the State Treasury of the sum appropriated by Congress.

This impression, however, it seems, was incorrect, and the Secretary of War positively refuses to pay to the State the amount due and appropriated, until he shall have examined the accounts and vouchers on which the original warrants or bonds were issued.

These accounts and vouchers, it is proper here to remark, are a part of the Archives of the State, and, as such, are required to be kept at the seat of Government, as constituting not only a complete history and expose of the several Indian wars, but as the basis of the action of the Comptroller and Board of Commissioners of the War Debt, and, as such, their proper place is among the Records of the State.

Under the law no officer of the Government has the right, if he so desired, to remove them, without express legislative authority, either for the satisfaction or information of an officer of the Federal Government, or for any other purpose whatever.

The law of Congress, which was intended to govern the action of the Secretary of War, in my opinion, does not require his examination into the propriety or necessity of any or all of the expenditures of the State, in the suppression of Indian hostilities; but directs him to "examine into and ascertain the amount of expenses incurred and *now actually paid*," and upon such ascertainment, to pay the same into the Treasury of the State of California; provided such amount should not exceed the sum of nine hundred and twenty-four thousand two hundred and fifty-nine dollars and sixty-five cents, (\$924,259 65.)

The Secretary of War, however, has deemed it his duty to require the original vouchers and papers, and to refuse payment of the amount appropriated, until they shall have been furnished.

Although fixed in the belief that so far as the State of California is concerned, the requirements of the law of Congress on the subject have been, on her part, fully complied with, and that the Secretary of War, having from statements authenticated by the proper State officers "*ascertained the amount actually paid*," should, without further question or delay, in accordance with the law of Congress, have paid the amount appropriated, "into the treasury of the State of California," it is neither my intention nor desire, in this communication, to call in question or advert to the propriety or justice of the action of the Secretary of War in the premises, further than to dissent from the correctness of his decision, as being, in my opinion, unwarranted by the language of the act of Congress making the appropriation, and also to express sincere regret that months of delay in payment, must, under the circumstances, necessarily ensue, burthening the State with a large sum in the shape of interest on the outstanding War Bonds and Warrants.

Without further comment, the whole subject is commended to your careful consideration, for such action in the premises as, under all the circumstances, may by you be deemed proper and necessary to secure to California the prompt payment of the amount long since ordered by act of Congress into the treasury of the State.

## SAN FRANCISCO WATER FRONT.

Although fully satisfied that the rapidly increasing commerce of San Francisco will, in a few years, require for its accommodation an extension of the entire water front of the city, and that it can be consummated without the least injury to the harbor, it would, perhaps, for the present, be desirable to do no more than make it the duty of some agent of the State to watch over it and prevent it from passing into the hands of individuals without the payment of its value to the State. The right of the State to dispose of this character of property, when it can be done without injury to commerce, is clear and unquestionable, and the interest of the State in this rich heritage, if carefully guarded and judiciously disposed of, will, as soon as there is a demand for it, command an amount greatly exceeding the existing indebtedness of the State. With the foregoing recommendation relative to the selection of an agent to guard the interests of the State, in the premises, but vesting no power to transfer or dispose of this immensely valuable property, the subject is commended to your consideration.

## AMENDMENTS TO THE CONSTITUTION.

As it is incumbent upon us in the present financial condition of the State to search out every avenue to economy which does not encroach upon principle or true policy, I deem it proper to invite your attention specially to two amendments to the Constitution, recommended in my annual message of 1853.

The first section of the ninth article should be repealed, and the duties of Superintendent of Public Instruction devolved on the Secretary of State. The great States of New York, Pennsylvania, Massachusetts and Illinois, have in this way merged the duties of the two offices.

As a distinct Department, it is of very questionable necessity, and if in the States above named, the duties can be performed by the Secretary, there certainly exists no good reason for incurring the expense of a distinct and separate Department of Instruction in California.

Reasons similar to those which obtain in the case of the Superintendent of Public Instruction, induce me to renew the recommendation to repeal the 15th Section of Article 5th, which provides for the election of a Surveyor General. The duties of this office can, without detriment to the public interest, be devolved on the several county surveyors, with a requirement to report annually to the Governor or State Comptroller, instead of the Surveyor General, as at present.

The duties of the office of Quarter-master General, can, without inconvenience or embarrassment, be assigned to the Deputy Secretary of State, and the amount which is now needlessly expended in support of that office saved to the State.

The Board of State Prison Directors can also be abolished, leaving the Warden, in connection with the Governor, Secretary of State, State Comptroller and State Treasurer, as a Board of Prison Inspectors, to manage all its affairs. Now that the Prison building is securely enclosed with a substantial wall, so that convicts can be safely employed inside of it, the warden with less than one-half of the number of guards heretofore employed, can safely control and direct every thing connected with the prison.

The proposed reduction in the number of the Board of Directors and guards, if carried into effect, will annually save about thirty-two thousand dollars, and in the aggregate, the several constitutional amendments and statutory changes, will each year reduce the expenditures of the Government not less than fifty thousand dollars.

These changes, it is proper here to state, in order to prevent misapprehension, are recommended as measures of practical economy, and not because the duties of



the offices proposed to be abolished have not been efficiently performed by the present incumbents, or from any want of confidence in the capacity of those recently elected to fill them in the future.

### THE MINES.

The mines of California, yielding to the hardy and industrious of our people untold and almost fabulous wealth, and extending their healthful influence in every department of trade, commerce, agriculture, and the mechanic arts; penetrating every fibre of our social system, and adding constantly renewed and increased impetus to our progress in peaceful pursuits, have excited the admiration and wonderment of all nations, as year after year the story of California's unbounded mineral resources has gone forth, accompanied by the glittering ore itself, giving to the world wealth and prosperity, and more than realizing the fables of antiquity or the stories of the Eastern Ind.

All other of the vast and manifold resources of this young State, are influenced by the product of our mines, and are dependent to a greater or less extent upon the annual yield of gold. Indeed, although we justly boast of the unequalled fertility of our soil, and the unparalleled productions which each year fill our store-houses and granaries, with less of care and labor than in any other country of the world, gold is, and will for very many years to come continue to be the great staple of California, found as it is in almost every section of the State, from the extreme North to the farthest South.

The quantity of gold obtained by thousands of industrious miners, swells the amount annually abstracted to an enormous sum, and finds its way through a thousand channels to the east and the west, replenishing the coffers of the bankers of Europe and the Atlantic States, and carrying wealth to our cities and comfort and happiness to many a family fireside beyond the mountains.

Through its varied and powerful influence, commerce with its wide-spread wings whitening every sea, is sustained; trade, ploughing our mighty rivers, and coursing the plains, building and enlarging cities, towns, and villages, is encouraged and enlivened; and national energy and enterprise, in all the ramifications of social life, of art, mechanics, and agriculture, aroused and increased.

Thus has the product of our mines, in a few years, revolutionized not alone the commercial world, but every department of life, carrying with it prosperity and wealth, and advancing civilization beyond any former period in the history of our race.

Heretofore, in the American Union, cotton has monopolized the attention of our merchants and capitalists, and exercised a controlling influence upon our exchanges with other nations; but, now, although greatly increased in quantity and aggregate value, is inferior in potency and importance to the product of the gold fields of California.

Cotton, like other crops, is obtained with much labor, and for value is almost wholly dependent upon the wants and necessities of other nations. The gold of California, on the contrary, possessing an intrinsic, not a comparative value, is found throughout the State, forming as it were a part of the soil itself, and the labor which in cotton countries breaks up the ground at seed time, and prepares the soil to receive the germ of future wealth, here brings forth the fruit—the pure gold—ready at once for the refiner's fire or the mint. Here, with regard to this rich product, we know no seed time, but the harvest is ever at hand, from the vernal spring to the snows of winter. Although it is true that mining can at some seasons be prosecuted more successfully than at others, for the reason that water is an indispensable element in mining operations, it has



this marked advantage over all other crops—if so it may be called—that in quality and value, it remains forever the same—resting securely in purity in the recesses where first deposited by nature's hand, unalloyed by exposure, undecayed by time. Industry and well directed efforts are alone necessary to obtain it from its hidden depths. Neither competition in labor nor abundance of gold can depreciate its value in the markets of the world as that value is intrinsic, and the quantity obtained will never be greater than increased population, improvements, extended commerce, and enlarged manufactures, will require. All the products of the world are tributary to it, and with it are bought and sold.

It is gratifying, then, to be able at the close of the year to congratulate you upon the very general prosperity which has during the past season characterized the operation of those of our citizens engaged in mining operations, and richly rewarded them individually, and as a class, for the amount of labor bestowed. Mining, too, has been greatly extended, and the facilities for engaging in and pursuing enlarged operations immensely increased; vast canals have been constructed, ditches dug, dams built, and water-courses turned to convey that necessary element into rich mineral regions, heretofore deserted and abandoned for the want of it. By these means, since the adjournment of your immediate predecessors, have new and extensive gold fields been discovered, and vast sections of rich mineral lands, until now undeveloped, opened up by the enterprise of our hardy miners, and compelled to render tribute to industry and labor.

Although the shipment of dust and bullion, as exhibited by custom house returns, would seem to indicate a falling off in the product of the mines during the past twelve months, yet there is no doubt that the aggregate amount yielded has largely exceeded that of any former year.

In the past, and until lately, our people were compelled to purchase almost exclusively from the Atlantic States and Europe, every article of necessity, utility, or luxury, for which they paid in dust and bullion taken from our mines, causing a constant drain almost, if not quite equal to the whole amount of gold obtained.

Now, however, it is different. Our own farmers supply us at our doors with provisions and the necessities and luxuries of life; our mechanics and artisans furnish us with improvements in machinery and manufactures; in a word, our wants, to a very great extent, are fully and well supplied by our own people, and the gold of California now finds a home instead of a foreign market. Thus, is a large portion of the rich product of our gold fields retained within the borders of the State, serving to enrich our own people rather than to swell the coffers of transmontane capitalists and European bankers.

Under the healthful influence of this state of facts, we find improvements of every character advancing with a rapidity heretofore unknown; we behold cities built up with a permanency, durability, and beauty, unsurpassed in any land; farms enclosed, well stocked, and adorned with villas and cottages, bespeaking prosperity and contentment; factories, machine shops, warehouses, and depots, increasing in number and extent, evidencing the enlarged wealth and progress of our people in all the elements which constitute the true greatness of a State, and the happiness and general prosperity of her citizens.

During the year I have obtained much statistical information in relation to mining operations within the State, which, without further remark, is appended, and commended to your careful consideration.

## MINING OPERATIONS, 1855—CANALS, DITCHES AND BRANCHES.

<i>Counties.</i>	<i>No. of Canals, Ditches and Branches.</i>		<i>No. of Miles.</i>	<i>Value.</i>
Amador, - - -	-	30	355	\$446,000 00
Butte, - - -	-	16	287	347,000 00
Calaveras, - - -	-	17	325	497,500 00
El Dorado, - - -	-	20	610	935,000 00
Humboldt, - - -	-	60	60	100,000 00
Klamath, - - -	-	6	130	150,000 00
Mariposa, - - -	-	8	150	180,000 00
Nevada, - - -	-	44	682	1,123,000 00
Plumas, - - -	-	2	65	62,000 00
Placer, - - -	-	29	498	649,400 00
Sacramento, - - -	-	4	29	54,800 00
Shasta, - - -	-	5	89	109,000 00
Siskiyou, - - -	-	1	80	84,000 00
Sierra, - - -	-	79	310	330,000 00
Trinity, - - -	-	10	278	228,500 00
Tuolumne, - - -	-	13	285	447,500 00
Yuba, - - -	-	18	360	560,000 00
Total, - - -	-	303	4593	\$6,341,700 00
In year 1854, - - -	-	-	1164	\$2,294,000 00
Increase in one year,	-	-	3429	\$4,047,700 00

In addition to the above, one hundred and twelve canals and ditches have been commenced, and will probably be completed within the next year. Amongst them is the Sierra Nevada Mountain Canal—an immense work—ten feet at the bottom, fourteen at the top, and designed, with branches, to extend over about one hundred and fifty miles.

## QUARTZ MILLS.

<i>Counties.</i>	<i>No. of Mills.</i>	<i>Tons crushed per annum.</i>	<i>Av. yield per ton.</i>	<i>Amount realized.</i>
Amador, - - -	13	45,000	\$20 00	\$900,000 00
Butte, - - -	2	30,000	25 00	75,000 00
Calaveras, - - -	1	20,000	20 00	40,000 00
El Dorado, - - -	7	15,600	25 00	390,000 00
Mariposa, - - -	4	10,100	23 00	232,300 00
Nevada, - - -	16	75,000	25 00	1,875,000 00
Placer, - - -	2	4,200	25 00	105,000 00
Plumas, - - -	6	10,000	20 00	200,000 00
Shasta, - - -	2	2,160	30 00	64,800 00
Tuolumne, - - -	3	3,500	25 00	87,500 00
Siskiyou, - - -	1	2,000	25 00	50,000 00
Yuba, - - -	2	2,500	25 00	62,500 00
	59	222,060		\$4,082 100 00

Several counties are not included in the above, and from four of the above the

returns are incomplete. The erection of fifteen additional mills has been commenced, all of which, it is believed, will be in active operation within the next year.

Amount of gold dust and bullion exported during the year 1855, \$44,133,838 30  
 Amount of quicksilver exported, - - - - \$880,071 00

## AGRICULTURE, MANUFACTURES AND COMMERCE.

Among the many evidences of the progress which has characterized the past year, evincing the industry, enterprise and prosperity of our people, none is more worthy of profound gratulation than the advancement made in testing the capacity of our soil and developing the agricultural resources of the State.

The statistics hereto appended, and which have been collected with great care, exhibit the no less interesting than surprising fact, that our soil and climate are peculiarly adapted to the cultivation of all the grains produced in more northern latitudes, as well as nearly all the rich and luxurious fruits common to tropical regions.

That astonishing progress has been made in agriculture, is demonstrated by the fact that but a few years ago we were almost, if not entirely, dependent upon the Atlantic States, Chile, Oregon, and the Islands for all the necessaries and luxuries of life. Now, however, by the energy of our people and the unequalled fertility of our soil, we have a superabundance for home consumption, and even for export. In the market reports of the Atlantic cities, are regularly quoted the prices paid for California wheat and flour; of which, exports exceeding *one million of dollars* in the aggregate, have been made during the past year. This is truly a wonderful change to be effected in so brief a period, and has no parallel in the history of any of our most progressive and rapidly developed sister States.

Among the many and varied products of our prolific soil, wheat, barley and oats may be mentioned as the more important. These are produced in California in greater quantities to the acre than in any of the Atlantic States, and of a quality unsurpassed if not unequalled. Rye and corn, although not so reliable as a crop, nor so prolific in growth as in some of the older western States, nevertheless yield remunerative returns.

Vegetables of every kind are produced in great abundance, and of unequalled size and flavor. Grapes are successfully cultivated in almost every part of the State, but have received most attention in the southern counties, where immense quantities of this most delicious fruit are annually raised and shipped to San Francisco and the north.

During the four months ending October 31st, 1855, there were shipped from the single port of San Pedro, no less than 31,095 boxes of grapes, valued at \$155,475, as appears from the report of J. F. Stephens, deputy collector.

As evidence of the increase of wealth of the southern counties, I subjoin further extracts from the same report of products shipped from San Pedro, during the four months above mentioned, viz:

Fruit, other than grapes, 1,036 boxes, value	-	-	-	\$3,288 00
Salt, 230,000 lbs., value	-	-	-	5,775 00
Beans, 139,316 "	"	"	-	6,966 00
Wool, 38,006 "	"	"	-	4,750 00
Aggregate, 2,395 " merchandize, value	-	-	-	202,254 00
Other produce, 158 tons,	-	-	-	21,000 00



Figs are also produced in greater or less quantities in all the valleys of the State. Apples, peaches, pears, plums, apricots and cherries, are all produced at the present time, and in a very few years will, in quantity, far exceed the wants of our people.

The statistics appended, I doubt not will amaze many of our own citizens, exhibiting as they do, an amount and variety of agricultural products, greatly exceeding the expectations of those who have travelled but little through the State, and who have given this important element in our substantial prosperity but little consideration.

The number of cattle of various kinds—horses, mules, sheep, hogs, &c., forming important items in the agricultural interest, is truly surprising, and gives unmistakable evidence of a degree of prosperity unequalled in any of the States of the confederacy.

But as the statistics themselves best evidence the agricultural capacity and resources of the State, it is deemed unnecessary to do more than to commend them, as well as this most important interest of our people, to your fostering care and favorable consideration.

In connection with the important question of developing the agricultural resources of California, it is proper to state, that intelligent planters are confident in the belief, and indeed the experience of the past year abundantly proves the correctness of their opinion, that the soil and climate of this State are admirably adapted to the culture of Tobacco, and that lands strongly impregnated with *alkali*—which exists in great quantities throughout the central part of California—would, without the use of neutralizing ingredients, produce immense crops, of a quality equal to that grown on the island of Cuba.

It has also latterly been ascertained that wild hemp, of an excellent quality, abounds in a district of country in the vicinity of Tulare Lake, and the head of the San Joaquin valley. This hemp is indigenous to the soil, and grows most luxuriantly in a state of nature, over a large region of country. A sample, after having been rotted and prepared, was forwarded to experienced rope and cord manufacturers, who, having experimented with it, pronounced it equal to the cultivated article of the western States, and express the opinion that this important product will, in the future, if found in sufficient quantities, add greatly to the wealth of California. Being indigenous to the soil, and found in immense quantities, it can be collected without other labor or expense than is required in gathering it, and will undoubtedly soon form an important item among the agricultural products of the State.

The interesting subject of agriculture having heretofore received but little consideration—the mines, until within the last two years, having been regarded as alone worthy of attention by the people of California, I have deemed it my duty to invite your attention to some of the more important products of the State, with such suggestions as were regarded as best calculated more fully to develop the varied resources with which our people are so bountifully blessed.

#### AGRICULTURAL PRODUCTS, ETC., 1855.

	<i>Acres.</i>	<i>Bushels.</i>	<i>Price.</i>	<i>Value.</i>
Wheat, - - -	187,000	3,740,000	\$1 25	\$4,675,000 00
Barley, - - -	101,000	3,181,500	80	2,545,200 00
Oats, - - -	45,000	914,000	75	685,500 00
Corn, - - -	15,000	450,000	1 00	450,000 00
Buckwheat, - - -	5,000	150,000	1 00	150,000 00
Potatoes, - - -	15,000	3,000,000	75	2,250,000 00
Sweet potatoes, - - -	400	80,000		120,000 00



Onions, - - -	1,620	138,350	1 50	207,525 00
Hay, - - -	60,000	90,000 T's.	23 00	207,000 00
Wool, - - -	320,000 lbs.	at	50	160,000 00
Butter, - - -	380,000 "	at	65	243,000 00
Cheese, - - -	220,000 "	at	50	110,000 00
Fruit trees, bearing,	95,260	each	50	47,630 00
Young trees, - -	412,845	each	07	28,899 15
Grapevines, - -	427 200	each	05	21,360 00
Grapes, (pounds)	1,281,600	at	15	192,400 00
Wine, - - -	85,000 gals.			297,500 00
Horses, - - -	87,127	at	55 00	4,791,875 00
Mules, - - -	31,061	at	55 00	1,708,335 00
Asses, - - -	1,612	at	35 00	56,420 00
Oxen, - - -	39,842	at	45 00	1,792,000 00
Cowes, - - -	38,000	at	25 00	950,000 00
Calves, - - -	45,022	at	4 00	180,088 00
Stock Cattle, -	498,749	at	10 00	4,987,490 00
Sheep, - - -	183,841	at	3 00	551,523 00
Hogs, - - -	154,455	at	5 00	722,425 00
Goats, - - -	1,512	at	3 00	4,536 00
Flouring Mills, -	84			420,000 00
Saw Mills, - - -	321			802,500 00

## RECAPITULATION.

Value of products of 1855, - - - -	\$12,897,128 00
" Fruit trees and grape vines, - - -	97,889 15
" Live stock, - - - -	15,744,692 00
Total value of products and live stock, - - -	\$28,639,728 15
Flouring and saw mills, - - - -	\$1,222,500 00
Number of feet of lumber produced, 304,148,497.	

Amount of California agricultural products exported, between the 1st of January, and 27th of November, 1855:

Flour, - - - -	\$671,384 00
Wheat, - - - -	85,776 00
Rye, oats and barley, - - - -	131,807 00
Potatoes, - - - -	26,622 00
Tallow, - - - -	7,771 00
Wool, - - - -	2,225 00

Total amount of Exports, 1855, - - - -	925,585 00
Gold Dust and Bullion, - - - -	\$44,133,838 30
Quicksilver, (10 months) - - - -	880,071 00
Agricultural products (11 months) - - - -	925,585 00

\$45,939,494 30

Among the various discoveries of the past year, which have added so much to the increased wealth and prosperity of California, and given renewed evidences

of her immense and varied resources, the discovery of Coal in different sections of the State, is to be noted as one of the most important.

This useful and highly necessary article, I am pleased to inform you, has been found in great quantities, and of a quality unsurpassed.

Veins are now being opened in several counties, which promise in future to yield more than sufficient to meet the wants of our own people.

In estimating the comparative wealth and productiveness of California, as an evidence of her wonderful progress and prosperity, we may well and proudly institute a comparison with other States of the confederacy.

Among the many interesting facts to be gleaned from official reports and other reliable sources, we learn that the number of horses and mules in California, is only exceeded in *fifteen* States, including the great States of New York, Pennsylvania, Virginia and Ohio. In the number of cattle, but *seven* States exceed California. In wheat, but *nine* States produced more during the year 1855—while *New York alone* exceeds California in the number of bushels of barley raised. Of potatoes, sixteen of the States produce a less quantity than our own. Of all the States of the Union, not one produces so many gallons of wine—and in the aggregate value of live stock, but *fourteen* of the thirty-one States exceed California.

It will thus be seen, that California, though the youngest of the sovereign States, ranks at this day among the first, in all the elements of true wealth; and the rapid progress made in the past, warrants the hope that she will soon outstrip all competitors in the friendly struggle for commercial and agricultural supremacy in the markets of the world.

### WHALE TRADE OF THE PACIFIC.

In a special communication addressed to your immediate predecessors on the 16th of March, 1855, the great importance of securing for San Francisco, and other ports within the State, the benefits of the Whale trade was urged upon their early and favorable consideration, and suggestions made as to the best mode of inducing the Pacific Whalers to seek our ports for supplies, repairs, &c.

The recommendation relative to a reduction of the rates of Pilotage, received prompt attention, and an act regulating the same was, in a few days, passed and approved.

Since the transmission of the communication above referred to, and the passage of the act named, a part of the whaling fleet in the Pacific, has visited ports on our coast, and several vessels were a short time since on the Dry Dock at Mare Island, undergoing repairs. But, it would seem, that further legislation is requisite in order to secure to our people the full benefits to be derived from this highly important branch of commerce.

During the recess, I have given much consideration to this subject, and have ascertained that additional legislation is necessary to secure the advantages of this valuable trade, and that the great, and, perhaps, only remaining obstacle to be overcome, is in relation to the shipping of seamen, and the prevention of desertion, by the unwarrantable interference of parties resident in the large cities.

This branch of the commerce of the Pacific is rapidly on the increase, and some idea of its importance may be formed from the fact that there are now engaged in whaling, on this coast, no less than seven hundred and fifty vessels, manned by twenty thousand seamen.

In view of the great importance of securing for our people the benefits of this large branch of our national commerce, I would respectfully recommend the selection of a joint committee of the two houses, with instructions to correspond with the owners of whaling ships resident at New Bedford, New London, Nan-

tucket, and other cities on the Atlantic, and obtain their views and such information as may be necessary to provide the legislation required for their more perfect security, while in our ports, receiving supplies and making repairs.

Such a committee, if prompt in its action, could, before the close of the session, acquire the information needed as the basis of subsequent legislation, which would doubtless enure greatly to the advantage of our own people, and the convenience and profit of whalers in the Pacific.

Regarding the subject as one of much importance, and worthy of prompt attention, it is commended to your immediate and favorable consideration.

### SWAMP AND OVERFLOWED LANDS.

The last Legislature passed an act providing for the sale of a portion of the overflowed lands within the State, upon terms liberal and just to all disposed to purchase and engage in their reclamation and cultivation. This act, however, in justice to a large number of enterprising citizens, requires to be so amended as to authorize the sale of all the overflowed or swamp lands of the State, except such as may be situate within *one* mile of the cities of San Francisco, Sacramento, Stockton, Oakland, and Marysville.

There exists, in my opinion, no good reason why settlers upon the banks of the Sacramento river should be deprived of perfecting or acquiring a title from the State, as they now are by the act of April 28th, 1855. By the provisions of this act a large number of the settlers of Yolo, San Joaquin, Sacramento, and other counties, are debarred from acquiring a title to these lands, and now only remain upon or hold them by the sufferance of the State, although able and willing to pay a reasonable price to the State for the same.

The exemption from the provisions of the act of all lands "*within ten miles of the city of San Francisco and five miles from Sacramento, Marysville and Oakland, and within one mile of the Sacramento river,*" was inserted more especially to prevent speculations in certain water property contiguous to and adjoining those great cities, but would have been as effectual in the accomplishment of that object if *one mile*, instead of *ten* and *five*, had been named, and at the same time would have brought into market and cultivation lands which cannot be obtained until the law, in justice to individuals and interests of the State, shall be so modified as to authorize their sale.

It is no doubt true that the land exempted from sale is of greater value than that more remote from the cities and the river, and that when once reclaimed, will, from close proximity to good markets and water courses, no less than from its wonderful fertility, command a much higher price.

It may also be true that no injustice would be done, and the interests of the State best subserved, by charging a larger sum per acre for lands thus situated, but, I must say, that I doubt the policy of such action, and believe the true course to be pursued by the State is, to offer every inducement to their early reclamation and settlement, imposing as few restrictions or hardships as possible.

The act in question should, therefore, be amended as above suggested, and the necessary measures adopted to secure to the State of California all the lands within her limits subject to overflow.

In my last annual message, your immediate predecessors were urged to action in relation to this important matter, and reminded "that the instructions of the Commissioner of the General Land Office, issued on the 21st of November, 1850, direct the several Surveyors General, to regard as granted by the act above referred to, "all lands, which from being swampy or subject to overflow," are unfit for cultivation, and in which are to be included also "all lands which through any part of the year, are subject to inundation at the *planting, growing, or har-*



vesting season, so as to destroy the crop, and therefore are unfit for cultivation: taking the average seasons for a reasonable number of years as the rule of determination."

In order to secure to the State of California all the lands within her limits subject to overflow, and to which she is justly entitled, under the act of September 28th, 1850, it will be necessary to authorize the agents of the State to procure and present to the proper officers of the general government, satisfactory testimony on the subject.

Experiments made during the past year have demonstrated the fact that these lands after reclamation, are of a fertility unequalled in any country, and with comparatively little care or cultivation, produce in unparalleled abundance. Vegetables of every kind and of the richest flavor are produced, and of greater size and quantity to the acre, than has been realized in any other part of the world.

It is believed by many whose opinions are entitled to much weight, that these lands will, after reclamation and careful preparation, produce cotton and rice in sufficient quantities to make their cultivation as profitable as in any of the southern States.

The experiments heretofore made, it is proper, however, to state, have not been upon such a scale as to fairly test the adaptability of our climate and soil to the culture of these important products, or satisfactorily to settle the question, but I have little doubt that a few years hence the overflowed lands of California will, to a great extent, be used in the cultivation of these great Southern staples.

Among the present actual products of these exceedingly rich lands, the most important, perhaps, is the sweet potato, which, during the past season, has been cultivated in the greatest abundance, and of a size and flavor unsurpassed in any other country.

In my last annual message, I informed your immediate predecessors that "several parcels of *Tule*, which is indigenous to the soil, had been forwarded to paper manufacturers in the Atlantic States, for the purpose of testing, by actual experiment, its adaptation to the manufacture of paper."

The quantity of *Tule* sent, I regret to say, was insufficient for the purpose of satisfactory experiment; but it gives me much pleasure to assure you that the experienced manufacturers, who tested the small quantity which reached them safely, entertain no doubt that a good, if not superior quality of paper can be manufactured from the *Tule*, if collected before it fully ripens, and is preserved from exposure to the winter rains. It is believed that the fibers of the *Tule* thus collected and secured, would be much finer in texture and stronger, and that the cost of bleaching would not be increased.

It is to be regretted that I was not advised of the failure of the principal packages sent to reach their place of destination before the rainy season commenced, as I was extremely anxious to have reported fully and favorably to the present Legislature.

Under the Act of April 28th, 1855, comparatively but a small quantity of these lands have been disposed of, and but little will be sold until the Act is modified as before suggested, and lands which our people desire and need placed in market.

The reclamation of the swamp and overflowed lands, to which the State is entitled under the act of Congress, amounting in the aggregate, if judiciously and properly selected, to not less than six millions of acres, will add immensely to the substantial wealth of the State, and the prosperity of our people; and as a source of continuous and never-ceasing revenue, as taxable property, is a subject worthy of grave and careful consideration.

At present, their reclamation, as a whole, is regarded by many as an impos-



sibility; but the experience of a few years, and a more intimate acquaintance with the country, will demonstrate the fallacy of this opinion, and satisfy all that these lands can, by the adoption of some general plan, be reclaimed and subjected to cultivation, and when so reclaimed, will, as a source of wealth, be exceeded only by the rich placers and hill sides of the snow-capped Sierra Nevadas.

The actual settlers on the eastern bank of the river below the city of Sacramento, have in contemplation an improvement which, when completed, will protect against overflow, not only the lands now occupied and improved by them, but thousands of acres belonging to the State.

This improvement, so necessary and important to the projectors of it, as also to the State, will be speedily completed at the expense of private individuals, in case the act of April 28th, 1855, be so amended, by you, as to enable them to obtain title from the State to the overflowed lands now occupied by them.

These enterprising and industrious citizens deserve consideration at your hands, and I trust that, without unnecessary delay, the act above referred to will be amended as suggested, to the end that they may secure homesteads to themselves, and at the same time greatly enhance the value of the property yet remaining to the State.

Whole number of acres of swamp and overflowed land sold by the agents of the State since the first day of June last, under the Act of 1855,	29,718
Surveyed for entry,	11,440
Total number of acres,	41,358

It is confidently believed that if the act of 1855 be modified, as above suggested, the entries of swamp and overflowed lands will exceed one hundred and fifty thousand acres within the year 1856.

### PROTECTION TO ACTUAL SETTLERS.

I have heretofore, in annual and special messages, urged upon the Legislature the great importance of providing more perfect security for the homestead, by requiring adequate payment to be made to the actual settler, in case of ejection, for all necessary and useful improvements. An act for the protection of this enterprising and deserving class of our fellow citizens, I have ever regarded as necessary to inspire confidence among the people that the labor, capital and enterprise expended in preparing the soil for cultivation and developing the agricultural resources of the State have not been bestowed in vain.

In all new States, especially is it the duty of Government to encourage and foster agricultural pursuits, as the enduring basis of substantial prosperity and true wealth. By this means not only are wild and uncultivated lands settled upon and improved, and a community formed more stable in character and industrious in habit, but the real wealth of the State augmented, and taxable property increased. Of what avail is it that our soil is the most productive, and our climate admirably adapted to the culture of all the necessaries and luxuries of life, if flowery vales sleep in native beauty and silence, and expansive plains are but the roaming grounds and rich pasture fields for the unchecked herd? The true wealth of a prolific soil is to be found alone in the hardy and industrious hand which brings it into subjection—which turns the rich sod with the plough-share—prepares it for the rains of winter and dews at nightfall, and which, at harvest season, reaps from fields of bending grain the rich recompense of toil.

In California, where, by act of Congress, the settler can make his pre-emption upon *unsurveyed* lands, and where there exists so much uncertainty as to *lines and titles*, errors in location must necessarily often occur, and there certainly should, therefore, be provision made for the security of the *bona fide* settler in such cases.

Having given the question careful consideration, and made thorough inquiry, in order to satisfy myself as to the correctness of the position assumed, I can conceive of no good reason why the owner of the soil should object to the payment of the full value of all useful and substantial improvements.

These improvements are generally, if not universally, of such a character as to greatly enhance the value of the land, over and above their *actual* worth, or even *original cost*.

An act providing this salutary and much needed protection to actual settlers, I am strongly of the opinion, would, in a short period of time, have but few opponents; and, I have no doubt, that brief experience would prove its utility in promoting the general welfare. Such an act, carefully prepared and well guarded, it is confidently believed, would produce a feeling of more perfect security, settle existing disputes, and prevent future difficulties and controversies, relative to lands in California. Nor need it be apprehended, as some seem to fear, that, in the event of the passage of such an act, locations would be made for the sole purpose of exacting from land owners exorbitant prices for improvements. No man, it is maintained, will locate upon land, and expend time, money and labor in improving and beautifying it, with the full knowledge that the title is in another, and that he can, at any time, be ejected from the premises.

The class of men who are engaged in tilling the soil, are usually too much devoted to domestic quiet, and that peaceful retirement, which is attendant alone upon such pursuits—are too much attached to the calm and hallowed enjoyment of home and the fireside circle, to locate upon and improve lands belonging to others, and from which they must, ere long, be driven to seek a new shelter for their families, and to abandon improvements and comforts obtained at the sacrifice of many a weary hour, at the expense of so much toil and money.

Those who come to settle upon and cultivate the public lands are generally the most stable, enterprising and permanent of the population of a new State, and come hither with their families to surround themselves and those they hold most dear, with the manifold blessings and endearments of home. It is for this they abandon the green fields of their earlier days, sever the fond associations of youth and early manhood, endure the trials, afflictions and toils of a long and perilous journey, and when once settled in their new abodes, by the labor of their own hands, adorn and beautify them. It is neither reasonable to believe, nor does experience teach it to be true, that hope of gain in improving the lands of others, has heretofore, or will hereafter, actuate them in making locations. For these reasons I regard this subject as one eminently entitled to your most serious consideration, and respectfully, but earnestly renew the recommendation of last and preceding years, with the hope that it may receive your early and favorable action.

### SCHOOL LANDS.

Of the many interesting and highly important subjects, which, as the immediate representatives of a free people, you will be called upon to examine, there is none more deserving of your most serious and careful consideration and judicious action than that connected with the education of the rising generation.

By the wisdom of the framers of our own Constitution, and the proper appreciation by Congress of the great importance of educating the whole people, the

children of the State of California are possessed of not less than *seven millions* of acres of public lands—constituting a rich heritage inviolably devoted to educational purposes.

The lands donated to the State by acts of Congress, passed in the years 1842 and 1853, should, without delay, be selected and set apart so as to prevent their sale by agents of the General Government. Prompt and decisive action alone is required to secure to the children of the State the princely endowment, bestowed by the parent Government to be applied in their education and preparation for the cares and responsibilities soon to devolve upon them as free and enlightened citizens of a sovereign State. It is true that an act designed to provide for the selection of the school lands was passed at the last session of the Legislature, and was approved by me. This act, however, was not such as the necessities of the case demanded, nor did its provisions meet with my entire concurrence, as they were manifestly inadequate to secure the great object desired; but the session was so far advanced ere any action had been taken in the matter, that I was compelled to choose between the alternatives of an imperfect law on the subject, or none at all.

The main objection to the act above referred to, is, that it will require too great a length of time to perfect the selections authorized under its provisions.

The subject is, therefore, commended to your early and careful consideration, as one pre-eminently entitled to the earnest investigation and mature thought of the representatives of an intelligent people, and with the hope that by means of your immediate and judicious action, the school lands may be all selected at an early day, and the foundation thus laid for a vast fund devoted to the education of the youth of the State.

### PACIFIC RAILROAD.

The rapid progress which has, during the past year, been made in developing the vast and unequalled resources of the Pacific country, together with the evident fact that additional population alone is required on this coast to give it still greater prominence in the eyes of the world, and immensely to augment the national prosperity and wealth, has called forth from our people a universal demand for the speedy construction of a thoroughfare across the continent, connecting the Atlantic and Pacific Oceans.

The growing importance of California—the wants of her people, and the requirements of her fast augmenting commerce, would seem to demand the consideration of the Federal Government, and that prompt, decisive, and judicious legislation which should ever characterize its action in matters involving the national welfare, or the prosperity of the individual States.

That it is peculiarly the province of Congress, at least to lend a helping hand to this vast undertaking, uniting with bands of iron, and the more indissoluble bonds of a common interest, the extremes of our mighty confederacy, few will deny. Forming a part of the same free republic—having a common interest in the affairs of the nation—partaking of the same blessings, and submitting to the same burthens:—enjoying identical institutions, with similar laws and language, and firmly united in feeling with our sister States, the people of California are yet more widely separated in distance from the parent Government than they are from the Empires of China and Japan. With all their wealth, free institutions, commercial importance and mineral resources, they are, at this time, on a far off coast, beyond the protecting arm of the General Government, and, in case of war, are left almost entirely to their own resources to defend their hearths or repel aggression. With our national fleet at a distance of fifteen thousand miles, an army of rescue would be compelled to travel through a foreign country or



language as unprincipled waste makes a comparison with slaves' millions of war, and slavery, are we really making progress in case of slavery. It is a wise man who says we have no right to consider of consideration, where slaves governments "in case of war" to prepare for war," and it is the part of true wisdom for the chosen Government to stand by the walls of our prison in this manner for their prisoners who should be, at the threatened safety of the vineyard and longshore side of the wilderness show the belief of a government that has already been in the way, and which is the end, must stand by the name of California, if not impossible loss to the Union.

The whole box of thought around what our people can no longer break away, and when moment and present existence in the past are seriously concerned, to pass upon Virginia the importance and the necessity of an early completion of the Atlantic and Pacific Railroad.

It is not that now, while all Europe is trembling on the verge of an insupportable reaction, and while our hearts beat with the clang of arms and the ring of bullets, while despots, republicans and kings are back with internal division, and the workings of popular suffering are found in every side, we are calmly pursuing the blessings of commercial peace, and in safety and prosperity resting in the arms of a nation's harvest and peaceful persons.

But we know not how long this longer sleep may continue. How long we may be exempt from the torments of Europe, how long we may be a continuation in the great vortex of the world and world's reaction, we know, upon our own people. Standing in the vanguard of nations in commerce, agriculture and peaceful progress, in agriculture, manufactures, arts, literature and science, in all that makes the heart dignify the man, in making mankind a people it is our duty, which position, if not necessary, should strive to be prepared for the emergency, to be ready as well to meet an enemy as the friend, as to give sword to a friend.

While we, with a healthy sense and generous intention, stand in admiration and kindly greeting at our abundant and unexpressed strength and, after a heavy and generous, for those who are, our claims in constant privileges and benefits that would the State, we should not in the days of prosperity forget that in the case of trouble, and from the vast resources of Europe, we have not the same that would not have our own hands against the aggressions of the trading sea. It is useless for us to say that it is not in our power to meet personal conditions, California must be ready to meet the world's hand. What we must not know, however, is, we must, at some future time, when in action, the time being ready to strike, ready to strike in our own and destruction and stand more than most other States, for people could be learned, that property destroyed, that experience, knowledge and thought, especially education, and a sufficient personal knowledge could be found at least, to make the personal knowledge to this the highest good in the world of States.

In such a time, however, and also in that and other and other, our power, in a healthy, unexpressed, and to get the best and most of the young State, as well as to give the light, importance, and value of it, while there is the greatest and the best of the progress of the nation. In no way can this be true for ourselves, as to say so, must be true for the State and people, as well as the people, as to the whole consideration of a great national light, that the Nation go to the heart of the people.

But the benefits of this movement, which movement is to be California, will not be realized until we are, and it is not possible to be realized until we have the measure upon the movement in California. The nation knows the result that is a great national work, national wealth of the nation, industry, wealth, and energy of this great Continent.

Its magnitude and utility to the whole Union, embracing, with its branches, every section of the country, and uniting with iron bands the outermost portions of a mighty empire, render it a proper object for the exhibition of the powers and resources of the United States, and when once completed, will forever remain a monument to the intelligence, progress, wisdom, and energy of the nineteenth century.

As a thoroughfare for the certain and speedy transportation of mails, munitions of war, and emigrants who may desire to find a new home on the Pacific, as well as to increase the facilities required by the commerce of the world, and that frequent and safe intercommunication and friendly interest necessary between the people of the same great confederacy, this road is demanded by every consideration of justice, necessity, and propriety.

In the consideration of this truly important question, it should be borne in mind that this young giant republic, with its three millions of square miles of territory, extending from ocean to ocean, over a space of twenty degrees of latitude, (being nearly one million square miles more than the Russian possessions proper) with its twenty-six millions of inhabitants,—with its unequalled resources of wealth, and all the elements of true greatness, has no national highway, no grand thoroughfare extending across its compact territory; in truth, has no reliable means of transit for its mails, munitions of war or troops, from one portion of the continent to the other.

In order to remedy this great want, now beginning to be felt as a necessity by our people, I regard it as the duty of Congress to provide at an early day for the building of the road, and if necessary, to lend the name, credit, and territory of the nation in assisting in its speedy completion. So far as the construction of the road by Congress is concerned, I deem it proper to state, that I regard the Atlantic and Pacific Railroad as a necessity of the age, as a great national enterprise, and that the constitutional power of Congress to provide for its construction through territory *exclusively under the jurisdiction of the Federal Government*, by the donation of alternate sections of such territory, or, if necessary, by the appropriation of treasure from the coffers of the nation, cannot be questioned. The refined distinction, advanced by some, between the donation of lands, and the appropriation of money derived from the sale of those lands, is, in my opinion, not authorized by any principle of constitutional construction, nor can it be derived, either expressly or impliedly, from the language, context, or tenor of that instrument. With reference to the great question of internal improvements I desire here to state, that the position taken by the framers of the Constitution itself, and by the great lights who followed them, whose names and deeds are now history, as understood by me, has always been that Congress possessed the constitutional power to commence, carry on and complete, with the public funds, if necessary, each and every work, *national* in its character, and which is requisite to advance the prosperity, and provide for the *common defence* and general welfare of the whole people.

In a word, the line of distinction drawn, is between a system of internal improvements for the special benefit of individual States, and those larger, more extended, and important enterprises which embrace in their nature the well being of the whole nation—those national undertakings which are necessary to preserve its unity, defend its outposts, and provide for the protection and fostering of its extended foreign and internal commerce. As such a work, the Pacific and Atlantic Railroad pre-eminently deserves to receive the aid and care as well as the resources of the nation.

In conclusion of this highly important and interesting subject, I would simply remark, that in my opinion the most advisable plan to secure the early comple-

tion of this great work, would, perhaps, be the donation of alternate sections of land on the route selected, and if need be, the lending of the name and credit of the nation, with a lien upon the road itself, as security for payment.

The first would not only be amply sufficient in a short time, to raise funds to complete the road, but would greatly enhance the value of the alternate sections reserved by the government, so that while the country now unpopulated would be opened up to the industry and enterprise of our people, the revenue of the nation derived from the sale of these lands would not be diminished, but actually increased. The latter would perhaps be necessary to begin the work and assist in its speedy completion, and would assuredly secure the government from loss

### OVERLAND ROUTE TO CALIFORNIA.

In connection with the subject of the Pacific and Atlantic Railroad, and as the most speedy and practicable plan of rendering facilities to immigrants, in their long and hazardous journey to California, I desire to renew the recommendation contained in my last annual message, relative to the establishment by Congress of a sufficient number of military posts along the entire route between the Western frontier and the Pacific to afford ample protection to immigrants against the aggressions of hostile Indians, and also stations where needful supplies could be obtained.

As the time expended in the discussion of the project of the Railroad, the survey and location of the route, together with necessary explorations, will, in all probability, delay its final completion at least several years, I desire to invite your attention to the recommendation made to your immediate predecessors, and to express the hope that you will, at an early day, in some appropriate form, urge upon Congress the importance of increasing the facilities of overland travel to California, and of affording the protection and aid now so much required by immigrants to our shores.

In my last annual message I remarked: "The establishment and maintenance of a sufficient number of military stations, at intervals of seventy-five or one hundred miles, with fifty men at each post, it is believed, would afford the security required, and incur the expenditure of but a trifling sum, compared with the great and manifold advantages which would certainly result not only to California, but to the whole Union."

This plan, it is believed, would render overland travel secure, and augment immensely the population of California, by the immigration of families, at present so much required to add permanence and stability to our prosperity. Nor would the benefits derived from this plan be confined to California alone, for around each of these stations would gradually be formed a settlement of hardy and adventurous pioneers, and in a few years, from the protection and facilities thus afforded, the entire country lying between the Mississippi and Sacramento rivers would be thoroughly explored, and, I doubt not, discoveries made, not only developing the vast mineral and agricultural resources of that immense tract of land which is now an almost unbroken wilderness, but also clearly and unmistakably indicate the shortest and most practicable route along which can be constructed the great highway of nations—the Pacific and Atlantic Railroad.

This subject is regarded by me as one of vast importance to California, and as the forerunner of the Railroad, and the precursor of a speedier and safer means of communication, the establishment of military posts by the general government, and completion of a wagon road across the Sierra Nevadas, by our own people, is eminently worthy of your most earnest consideration and immediate action.



## ASIATIC IMMIGRATION.

In a special communication transmitted to the Legislature of 1852, as well as in my annual message to your immediate predecessors, views and opinions were expressed in relation to the Asiatics, which it is proper here to state have undergone no change. I still maintain, as then asserted, that the power of determining who are and who are not dangerous or inimical to the interests and well being of the people of a sovereign State, rests entirely with themselves, and that the legislative power of the State of California can under the Constitution not only prevent Asiatics from landing within her limits, but can also remove from among her citizens such as may be regarded as injurious or dangerous to the welfare or safety of the commonwealth.

It is, in truth, a question of policy alone, concerning which the representatives of the people have the right to decide and the power to enforce, the authority of the State in the premises being unquestionable.

In connection with this question, I have uniformly stated that I was opposed to any change in the wise and liberal policy of our Government, inaugurated at the very formation of the Republic, and which should for no light reason be ever departed from, so far as concerns foreigners, who seek our shores to find a home in a free land, and who, under the Constitution and laws, by naturalization, can become citizens of this great confederacy, and with us share our privileges, cares, and responsibilities; but I have ever doubted the policy of encouraging the immigration of Asiatics, for the reason principally that they cannot be naturalized or unite with our people on an equality socially, morally, or physically. Such a population, if encouraged, will deter and take the place of others who are now citizens, or who can soon become such, and as we have abundant evidence, create a prejudice against all persons of foreign birth, without regard to their claims to the privileges granted by our Constitution and laws.

That we need additional population in California to develop our vast mineral and agricultural resources, to promote manufactures and arts, and increase the wealth and importance of the Pacific country, is certainly true; but much as we may require increased numbers, we should not desire a population which, under our constitution and laws, the conventional rules of society, and the still more arbitrary law of nature itself, can neither become citizens, nor mingle socially with our own people.

So far as Europeans are concerned, I have uniformly favored liberal enactments in relation to citizenship, and have ever believed and maintained that the framers of the Constitution, in authorizing a uniform system of naturalization, intended that privilege should be confined to them, and that they certainly did not intend to include those with whom our people could not socially unite.

I have ever entertained this opinion, for the reason that no higher privilege can be extended to man than that inestimable blessing which, while it secures to him the enjoyment of civil and religious liberty, raises him to his proper estate in the eyes of his fellow man, and confers upon him the right and dignity of citizenship in a free land. After having thus granted this greatest of privileges, and stamped upon his brow the title of *freeman* and *fellow-citizen*, as a national idea, others of less importance cannot be denied, and he is then left to his own merits, to his intelligence, uprightness, industry and moral character, to win his way in the affections and esteem of his co-laborers here to the highest social and political positions. Naturalization, conferring as it does citizenship, places the object of it on a level with those who are to the "manor born"—extends the right of suffrage—of holding office—in short, every privilege secured to the people by the liberal constitution under which we so happily live and prosper.

After having granted to individuals of a particular race or nation, all these

great and inestimable privileges, we cannot and do not claim superiority over them in any respect; and in proportion to their individual, moral and intellectual worth unite and mingle with them in every relation of social life.

The conceded fact that Asiatics cannot become citizens, and must on our soil forever remain as the African a distinct and separate race, with marked peculiarities and characteristics, differing essentially from our own people, without the possibility of amalgamating or uniting with us in future, is to my mind a sufficient reason why we should not encourage their migration hither, but by every just and proper means endeavor to relieve our people from the hordes who have already gathered on our shores.

That they interfere seriously with operations in the mines, and that their ignorance of our habits, language, laws, and institutions, produces innumerable difficulties and conflicts between them and others in relation to mining claims, forms another strong ground of objection to them as a portion of the population of the State. This, perhaps, in time might be obviated, but the fact that they cannot become citizens and unite socially with us is an insuperable objection, and one which, in my opinion, will never be removed.

Your attention is at this time invited to the Asiatic question, because I have been induced to believe that an effort will be made during the present session to modify the existing laws on the Statute Book, which were adopted after mature deliberation and earnest inquiry, and in response to the almost unanimous wishes expressed, in the most unmistakable manner, by our common constituents in the various mining localities throughout the State. Although some of the provisions of the statute sought to be modified, did not originally meet with my entire concurrence, I now doubt the policy of any material change. It should be remembered that in legislating upon this intricate and exceedingly delicate subject, we are acting not so much for ourselves, or the present generation, as for all time; and that upon your wisdom and judicious action now may depend to a very great extent the future prosperity of the State, and the happiness and well-being of succeeding generations.

From reliable data it appears there are not less than forty thousand Chinese in our midst, scattered throughout the entire mining sections of the State, and congregated in our cities, villages and towns, forming a distinct class of themselves, separate and apart from the great body of the people.

Through the instrumentality of the laws, now in force, this number is being gradually but surely diminished. Should we, however, materially modify these laws, and by so doing, encourage the immigration which is now effectually checked, and which at one time threatened to overrun the State with immense hordes of Chinese, we will, in a very short period of time, find ourselves numerically their inferior, and surrounded by a race in no other respect esteemed as equal, alike ignorant of our language and laws, and regardless of our institutions, habits and customs.

No present pecuniary gain or hope of future profit is, in my opinion, sufficient to outweigh these considerations, or induce us to entail upon those who are to come after us the evils of such a population, or to imperil the well-being of the State by encouraging an immigration which can only result in future difficulty and injury.

In the consideration of this interesting and highly important question, it should be remembered, that Asiatic immigrants can reach California not less than one-sixth of the sum, and in much less time, too, than immigrants from any of the Atlantic States or Europe, and that the departure from China of a population equal in number to that of both the great States of New York and Pennsylvania, would scarcely be missed from a people whose empire, at this time, numbers more than three hundred and eighty millions of souls.

The question of Asiatic immigration to California, involves many considerations which do not affect, and can have no relation to immigrants from Europe. The latter are, as it were, a part of our own people, belonging to the same race, with our own blood flowing in their veins,—capable of the same intellectual, moral and political advancement, susceptible to the same high influences—worshipping the same living and eternal God—and possessed of the same longing after liberty as ourselves. With them we are more or less directly connected in interest and feeling, and remotely or nearly descended from a common ancestry. From them have we received much of our language, literature, laws and free institutions. Above all, they can and do appreciate the inestimable blessings our Constitutions guarantee, and unite with us as citizens of a great Republic in endeavors to sustain its glory and advance its progress—nor need we apprehend that they will arrive and remain amongst us as aliens in such numbers as to seriously interfere with the interests of others, or outnumber the population enjoying and appreciating all the privileges conferred by a free government.

On the contrary the Asiatics, in a moral and political sense, are the very antipodes of our race, and cannot assimilate or unite with our people in any of the relations of civil or social life.

In view, then, of these undeniable facts, what is to be done? This is the great question at this time to be solved. As before remarked, if the existing statutes be materially modified and liberalized, it will be regarded as a new invitation to the Asiatics, and the tide of immigration which for a time has been checked will again roll in upon us, and no estimate can be formed as to the numbers who will flock to our shores in search of gold.

After having relaxed in our opposition and induced increased immigration, we cannot then with justice or propriety pass laws calculated to oppress, or burthen with exorbitant taxation, in order to again drive them from our midst. Such a course would be manifestly unjust, improper, and illiberal. It is no part of the character of the American people to entice the stranger far from his native land by fair inducements, and then pluck him of his gains, restrain him of his liberty, or oppress with rigorous laws. The evils of too great an immigration can best be avoided by permitting existing laws to remain in force; but if material modifications be made, injurious effects will certainly be felt as the natural consequence of a mistaken policy of our own, and the remedy, if remedy can be devised, should be as free as possible from hardship and oppression.

Having thus freely and fully expressed my own views, the whole subject is commended to your earnest consideration, with the hope that you will not act without first weighing well the consequences to ensue, and giving to all the questions involved that careful examination which they eminently deserve.

#### POSTAL ARRANGEMENTS.

Believing that there should be a very considerable reduction in the rates of postage now chargeable for California, as well as greatly increased mail facilities, I would respectfully recommend that the representatives of the people, in some form, invite the attention of Congress to the subject, and give expression to the voice of their constituents, who are at present burthened with exorbitant taxation for the support of the Post Office Department at Washington.

I have given the question some consideration, but can conceive of no good reason why the people resident on this coast should be required to pay on each letter more than treble the amount exacted from the citizens of other States of the Union.

It is true that our people are at a greater distance from the central part of the Confederacy than those of other States, but I cannot regard this as a sufficient reason for so great a discrimination against them in this particular, as they are equally entitled to the consideration of the parent Government. A cheap,



as well as uniform postage system is required by the people of the nation, as well as of California, and the experience of other Governments no less than our own, has proven that such a system, is productive more revenue than higher and irregular rates.

Late official reports exhibit the fact that in England, where the postal system is cheap and uniform, and has reached a high degree of perfection, the average number of letters written and mailed during the year 1854, was *fifteen* to each inhabitant, and that in the United States, the number to each inhabitant was but *four* during the same time.

It will hardly be contended that the mass of the subjects of Great Britain are more intelligent and well informed than the people of the Union, yet the discrepancy between the number of letters written would seem to argue that such was the fact were we not able to trace it to the real cause.

During the year 1854 the whole number of letters which passed through the various post offices of the United States, was one hundred and nineteen millions; while in England, during the same period, they exceeded four hundred and eighty millions. The difference between the number of letters written and mailed in the two countries is very great, considering that the population of England is but about two millions greater than that of the United States, and can only be accounted for in the fact that our rates of postage are too high, and our mail facilities inadequate to the wants of the people. In the year 1854 the whole amount collected from the people of California, in the shape of postages, was two hundred and fifty-six thousand one hundred and eighty-eight dollars and thirty-four cents; amount paid for mail service within the State, one hundred and sixty-three thousand and seventy-seven dollars and eighty-three cents; excess of receipts over expenditures, ninety-three thousand one hundred and ten dollars and fifty-one cents.

The foregoing facts prove that however it may be in other parts of the Union, it is manifestly true, that so far as the people of California are concerned, important reformation is demanded in our postal system, and a reduction of the excessive rates at present imposed.

Justice requires that I should say that, in my opinion, no blame attaches to the management of the post-office department, but that the intervention of Congress is required to remedy the defects complained of by our people, and I trust you will deem it proper to urge the subject of postal reform upon their immediate consideration.

### INSANE ASYLUM.

This most excellent institution, erected and sustained by the liberality of the State, has been well managed during the past year. Those having control of the institution, by their skill, urbanity, kindness and unwearying attention, have given the utmost satisfaction.

The number of patients in the asylum on the 7th day of January, 1855, was one hundred and thirty-four; since that date one hundred and ninety-three new patients have been admitted, making the whole number treated during the year, three hundred and twenty-seven. During the period named, one hundred and fifty-two have been restored to reason, cured and discharged; eleven have died, and one hundred and sixty-four are still in the Asylum under treatment.

The office, wards and rooms are all well and comfortably furnished. The reading-room, which is large and commodious, and contains a library of about ~~two~~ hundred volumes, ten daily newspapers, one weekly, and a number of monthly magazines, is a new and commendable feature in the institution, being a very

great accession to the means employed to render the condition of the unfortunate inmates as comfortable and pleasant as possible.

Since the adjournment of your immediate predecessors, a large and well arranged kitchen, a bakery, store-room, dining and wash-rooms, and separate bathing apartments for the males and females, have been completed and are attached to the main building.

Surrounding the Asylum and under a good fence, is a piece of ground of one hundred and one acres, together with a garden in a fine state of cultivation, which by the labor of the patients alone yielded last year a most abundant crop of vegetables of every variety.

An additional wing for the accommodation of female patients is regarded by the physicians in charge as indispensably necessary, and I hope you will, early in the session, appropriate a sum sufficient to erect the building required, which, together with those heretofore provided, will afford room amply sufficient to meet the wants of the State in this department for the next ten years.

The institution it gives me great pleasure to assure you, has been admirably and economically conducted, and on the first day of December last was entirely free from indebtedness.

### PUBLICATION OF AMENDMENTS TO CONSTITUTION.

At the last session of the Legislature, several highly important amendments to the constitution of the State were framed and passed, but your immediate predecessors neglected either to direct their publication, as required by the constitution, or to appropriate means for the payment of the same.

In order to give the publicity required, and enable you to act upon them at the present session, I took the responsibility of directing their publication for the information of the people of the State, and hope that you will, at an early day, make provision for the payment of the several claims for publication, which I have no doubt will all in due time be presented for your consideration.

It is proper in this connection to state, that all who published the amendments were informed that no appropriation had been made, and that they must look to the Legislature, and rely upon them for payment.

### STATE LAND SALES.

During the recess of the Legislature, but one sale of land within the city of San Francisco, in which the State possessed an interest, has been held. Of the property sold, but a few parcels were of much value, the greater portion of it consisting of lots resold, on account of purchasers at sales made by the late Board of State Land Commissioners.

All the information necessary to a full understanding of the subject, together with the proceedings of the Board, will be found in the report of the agent appointed under the law.

A full report of the proceedings and sales of the late Board of State Land Commissioners, will be also transmitted for your information.

### ANNUAL REPORTS.

Copies of the Annual Reports of the State Controller, State Treasurer, Surveyor General, and Quartermaster General, are herewith transmitted. These reports contain highly important and interesting information, all of which is commended to your careful consideration.

In compliance with constitutional requirement, I herewith transmit a statement exhibiting the number and names of persons pardoned during the year ending December 1, 1855. Also a list of appointments made to supply vacancies which have occurred in office during the year.

I have also, in accordance with the provisions of an act approved April 27, 1855, filed in the State Controller's office a statement, verified by oath, exhibiting the several payments made during the year from the contingent funds placed subject to the order of the Governor.

The Directors of the State Prison, I have been assured, will, in a few days, transmit for your information a full and satisfactory report in relation to the management of the Prison, and the erection of the wall.

Believing that the law did not require it, I was not consulted by the Directors in relation to the terms of the contract, nor was I called upon to examine and approve the accounts rendered under the contract. This being the case, I am unable in this communication to do more than to state that the Directors will, in a few days, present an elaborate report of their acts and proceedings since the — day of June, 1855, and that I have their assurance that it will be entirely satisfactory.

The recommendations heretofore made, and in this communication again commended to your serious consideration, in relation to economy and reform in the administration of the affairs of the State Government, and in the abolishment of offices regarded as unnecessary, together with the adoption of the amendment to the Constitution providing for biennial sessions of the Legislature, will so far lessen public expenditures as to authorize a very considerable reduction in the present rate of taxation, and should the property of the State in the city of San Francisco be properly husbanded, as herein suggested, and hereafter judiciously disposed of, the State is possessed of ample means for the redemption of the entire existing debt, without imposing additional burthens on the people.

This is a consummation ardently desired by every well wisher of the State, and to you alone can they look for that aid and fostering care which only the representatives of the people can bestow.

The Governor, under the Constitution, can only suggest and recommend in general terms, measures of utility and necessity, and mark out a course of economy and retrenchment; but with you, in your legislative capacity, remains the power to mature and give force and vitality to those recommendations, and in detail, provide means for the liquidation of the State debt, and the prevention of extravagant expenditures in the several departments of the Government.

Having thus fully and unreservedly, though as succinctly as possible, suggested such measures as are believed to be necessary to relieve our people from onerous taxation and promote the prosperity of the State, it only remains for me, in conclusion of this, my last Executive official communication, to assure you, and through you, our common constituents, that hereafter while engaged in the more retired pursuits and quietude of private life, I shall continue to exert my humble energies for the well-being of my fellow-citizens, and shall ever remember with feelings of deepest gratitude past evidences of partiality and confidence.

During the past four years I have labored assiduously and uninterruptingly to discharge in strict compliance with the letter and spirit of the Constitution and laws, and in accordance with the interests and wishes of the whole people, the various responsibilities devolved upon me as chief Executive. If in the review of the various acts performed and recommendations made by me, aught is to be found to militate against the well being of the people, or the welfare of the State, I trust it will be attributed to the fallibility of human judgment, rather than to an intent to shrink from the performance of duty, or to do that which was not authorized and enjoined by law or required by the wants of the people.



To the many and oft repeated charges and aspersions which have in times of political excitement been so freely circulated, it is neither the time nor place here to advert, further than to solemnly assure you that all my official acts and deeds have been performed with an eye single to the interests of the people to whom I owe so much, and with an intense and never-failing desire to promote by every legitimate means the onward progress of California in all the paths of peace, increased wealth, and enduring fame.

By the record which will forever remain, let the administration of the Government be tested, and by the legitimate results of the action of the Executive, whether for good or evil, should he be held accountable; but to make him responsible for the acts of others, or for matters over which he could exercise no direct control, is the part of prejudice or malice, and is condemned by the dictates alike of justice, reason, and honor.

For a vindication against aspersions, whether made in the heat of political contests, or suggested by the more ignoble rankling of disappointment and revenge, I appeal to the record and to the calm judgment and sense of justice of my fellow-citizens, knowing full well that before such a tribunal and with such an examination, the truth in every case will not only appear but receive the credence and support of honest and upright minds.

Under the guidance of the Great Disposer of human events, to whom all should render tribute of grateful acknowledgment, enter upon the performance of the important duties assigned you by a free and intelligent people.

JOHN BIGLER.

## APPENDIX.

## CORRESPONDENCE IN REGARD TO STATE PRISON.

## MEMORIAL FROM STATE PRISON GUARDS.

POINT SAN QUENTIN, May 14, 1855.

To his Excellency, JOHN BIGLER,  
Governor of the State of California:

SIR—

We, the undersigned Memorialists, would respectfully represent to your Excellency, that the majority of us have been employed as Guards at the State Prison for the last eight months, and some even for a longer period, at the inadequate salary of \$50 per month;—that none of us have received even the half of our wages during our employment, and quite a number have never obtained the least compensation. This fact is at present adverted to, simply to convince your Excellency that we have religiously discharged our painful and onerous duties, under circumstances of personal inconvenience and unrewarded peril, which would have fully justified us at any time of resigning in a body, and thus from the embarrassed pecuniary situation of the Lessee, rendered it utterly impossible on his part to supply our place. For months anterior to the assembling of the Legislature, we were induced to continue in our present position, by the frequent and reiterated promises on the part of the Lessee, that our past arrears should be paid; and under this delusion we have lingered, or rather have been forced to remain, until January last, when believing that by the transfer of the Penitentiary to the State, the Lessee would be able to compensate us for past services, we have continued in his employment up to the present moment.

None of these promises have been realized, and some of us now find ourselves at the expiration of from three-fourths to a year's laborious service, without a dollar in compensation, or the remotest hope of procuring it.

We have introduced these purely personal facts to your Excellency's attention

as a sufficient reason for our long and perilous service for such a paltry and inadequate consideration.

The Lessee being indebted to us for one month's service, we labored the second for him in hopes of procuring the first, and toiled the third, eighth and twelfth, in the expectation of obtaining our wages for the preceding. That the service rendered by a Guard at the State Prison is laborious, and eminently dangerous, and that the compensation heretofore given is inadequate and incommensurate with the labor performed, is obvious from the following circumstances: The average time of a Guard employed on active duty, the month round, is eighteen hours out of the twenty-four. Every Guard is employed in active duty during the day, from four o'clock in the morning until sunset, and four out of this number are then detailed for service during the night; hence it follows that none of us average more than four nights in a month of uninterrupted rest.

It is unnecessary to call the attention of your Excellency to the daily peril of our position. The most casual inspection of the numerical strength of the Prisoners, and the inefficiency of our present means of defense, is sufficient to satisfy the most superficial observer that every hour of the day we literally carry our lives in our hands, and that at any moment it is liable to be wrested from us.

In view of these facts, we would respectfully invite the attention of your Excellency to the expediency, and even justice, of augmenting our present salary to an amount in some measure commensurate with its importance, toil, and ever-threatening danger.

Yours, respectfully,

GEO. W. WOODS,  
JOHN McKENZIE,  
HENRY BRISTOL,  
C. W. ROBINSON,  
F. W. RUSSELL,  
JAS. A. HOPKINS,  
A. ANDREWS,  
JNO. F. BARSTOW,  
JOHN M. SMITH,

JOHN. M. GRAY,  
ALEX. REED,  
GEORGE W. WELLS,  
J. W. GROG,  
T. J. SISK,  
H. E. YOUNG,  
ROBERT PERRY,  
GEORGE WILLGEROTT,  
HENRY Y. CABELL.



COPY OF A LETTER TO MR. JAMES M. ESTELL, IN RELATION  
TO GOVERNMENT OF THE STATE PRISON, &c.

SAN FRANCISCO, May 15, 1855.

GEN. J. M. ESTELL,

Lessee of State Prison:

SIR—

I am extremely anxious for the safe keeping of the convicts now in the State Prison, under your control as Lessee of the same, and, therefore, take the liberty of communicating with you on the subject.

I am aware that under the existing contract between yourself and the State, the Lessee is bound to "preserve the State from every expense for the clothing, feeding, and safe keeping of the convicts," and that the Lessee has full control of the same, under the law.

The circumstances of the case, however, and the rumors freely circulated, seem to demand that I should communicate with you and ascertain whether you intend to retain or abandon the contract. I desire to be notified of your decision, so that I can, should you determine to abandon the contract, secure, in compliance with constitutional requirement, the faithful execution of the laws, by making provision for the safe keeping of the convicts.

If, however, you determine to retain the contract and comply with its provisions, and will, in writing, so inform me, I shall take great pleasure in immediately directing the State Prison Inspectors to render you all the assistance in the premises, authorized by law.

As I can remain in this city but a short time, and as I am extremely desirous that there should be no longer question or doubt in relation to the perfect security of the convicts now in your charge, I hope that you will give the subject immediate consideration and with as little delay as practicable inform me of your determination, in order that such measures as may be deemed proper, should any be necessary, may be taken without delay.

I have the honor to be, very respectfully,  
Your obedient servant,

JOHN BIGLER.

## REPLY OF J. M. ESTELL.

SAN FRANCISCO, May 16, 1855.

GOVERNOR BIGLER:

SIR—

I am in receipt of yours of yesterday, and in reply, have to say, that, ruined as I am pecuniarily, by a failure as I believe, on the part of the State, to carry out in good faith her obligations executed April 25, 1851, I shall offer no resistance to the enforcement of the law approved May 7, 1855, entitled "An Act to provide for the Government of the State Prison."

Yet having an abiding faith in the honor and integrity of the people and the institutions of my adopted State, I shall, at some future day, apply for reasonable remuneration.

With the understanding that I yield no rights to which I am entitled under the law, and believing the peace and quiet of community requires that something should be done, and that quickly, I am compelled, as a good citizen, to yield to the pressure of public necessity, and rely on the future for remuneration.

I am, very respectfully,

J. M. ESTELL,  
Lessee State Prison.

## GOV. BIGLER TO J. M. ESTELL.

SAN FRANCISCO, May 17, 1855.

GEN. J. M. ESTELL:

SIR—

Your letter of the 16th inst., relinquishing the State Prison and State Prisoners, together with the contract entered into by you with the State of California in the year 1851, has just been received, and in reply, have the honor to inform you, that, in compliance with the provisions of an Act approved May 7, 1855, and the constitutional requirement to see the laws faithfully executed, I will, on behalf of the State, take possession of the State Prison, State Prisoners, and State Prison grounds owned by the State, on the first day of June, A. D. 1855.

I beg leave further to remark, in reply to your note, that although I differ with you in opinion, and maintain that the State has in good faith and in every respect performed her part of the contract, I do not conceive that I have the power to do more in the premises than take possession of the Prison, Prisoners, and Prison grounds, and manage the same in accordance with law, leaving you entirely free to act as you may hereafter determine in relation to the remuneration which you claim, and which you, in your letter, express a determination at some future day to demand from the State.

In short, so far as any just claim you may have against the State is concerned, it is proper to say that I do not regard the relinquishment of the State Prison contract on your part, or the assumption of the control of the Prison and Prisoners on the part of the State, as interfering in any manner with your right hereafter to ask for remuneration, or the right of the State to refuse to recognize and pay such claim when by you presented.

On the first day of June, being the day designated in the Act of May 7th, 1855, I will be in attendance at the State Prison, prepared on behalf of the State to take control of the Prisoners, Prison and the Prison Grounds, owned by the State.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN BIGLER.

---

COPY OF AN ARTICLE OF AGREEMENT MADE BETWEEN  
THE STATE PRISON DIRECTORS AND GEN. J. M. ESTELL,  
LESSEE OF STATE PRISON.

WHEREAS, by virtue of an Act of the Legislature of the State of California, passed April 25, A. D. 1851, the said State entered into a contract with James M. Estell, whereby the said Estell was and is bound to receive and safely keep the State convicts for the period of ten years from the date of said contract, and in consideration thereof, was and is entitled to the labor of said convicts for ten years. And, whereas, it is believed that the interests of the State and the execution of the laws would be best subserved by a relinquishment on the part of said Lessee, of the convicts now in his charge, and the remaining portion of the unexpired contract, from and after the date hereof,

Now, therefore, be it known, That the said James M. Estell, as Lessee of the State Prison, and R. N. Snowden, J. S. Love and Wm. H. Palmer, Directors, appointed under and by virtue of a law passed May 7, 1855, have this day entered into and executed the following agreement, viz:

The said James M. Estell agrees and hereby relinquishes to the said Directors,



acting on the part of of the State of California, the State convicts, buildings, lands, and appurtenances thereunto belonging, and the property of the State, together with the unexpired portion of his contract, and all right to the labor and service of said convicts from and after the date of these presents, and in so doing, relinquishes to the said Directors, in compliance with the provisions of the Act of May 7, 1855, all control over the convicts, grounds and buildings; and furthermore agrees and stipulates, that he will in no manner interfere with the Directors in the assumption of the contract and the full control of the convicts, or in the performance of their duties under the Act of May 7, 1855, from and after the signing and sealing hereof, and that he will not hereafter seek to disturb the State in the custody of the convicts and prison grounds and buildings, obtained by said Lessee under the Act of April 25, 1851.

And it is furthermore agreed and understood, that in relinquishing the unexpired portion of the contract and the convicts, as above mentioned, the said Lessee relinquishes no legal or equitable claim he may have, or claim to have, against the State, for damages or relief in consequence of alleged failure or neglect on the part of the State to perform or fulfil the provisions of the contract of 1851, prior to the first day of June, 1855, or for any damages to which he may be justly entitled for injuries sustained or claimed to have been sustained in consequence of the Act of May 7, 1855; *provided, however*, that, as the said Directors have no authority other than to take possession of said convicts, prison grounds and prison, under the law, and disclaim all right or intention to take into consideration, or interfere in any manner with the claims of the said Lessee against the State, it is distinctly understood that nothing in this agreement shall be so construed as to admit, recognize, deny or prejudice the validity of any such claim or claims.

[Signed by the Lessee and State Prison Directors.]

## NAMES OF PRISONERS WHO HAVE ESCAPED.

No. of Commit-  
ment.

9	William Watkins.
24	Thomas Hodges, (same man as Thos. Derden, No. 170.)
31	Joseph Wilson.
45	James Moore, (killed in San Francisco.)
50	William T. Edwards.
51	Richard Hale, <i>alias</i> David McHowe.
58	William Tabor.
60	Edward Bugby.
79	Joseph Francis.
84	William Hawkins.
76	Ysidro Redundro.
89	Asa Carrico.
92	John Gordon.
99	William Harris.
112	William C. Reeves.
116	James Hoover.
117	Mateo Andrade.
119	Charles Alwin.
134	John W. Kelly.
163	Mariana Gregalia.
170	Thomas Derden, (same as above.)
177	John Hartley.
178	Isaac Levy.
179	Thomas Henry.
185	John George Elverson.
188	George W. Hise.
189	William Smith.
204	Jesus Romeo.
208	Abner Bishop.
213	Ah Lum.
217	William White.
223	Samuel McClintic.
245	C. W. Valentine.
252	Samuel Cohen.
259	William Powers.
263	John Maguire.
273	Daniel McMillen.
283	James Pool.
285	James Wallman.
303	Jesse Bennett.
305	William Nicholson.
327	John Schmidt.
328	James Herbert.
329	Robert Harris.

## NAMES OF ESCAPED PRISONERS—Continued.

No. of Commit-  
ment.

333	Philippi Goharo.
335	John J. Ivey.
340	John R. Hammond.
342	John Wright.
348	William Peters.
352	Mook.
354	Cherokee Bob.
358	William Bowen.
359	Francis Paddle.
365	Fritz West.
367	Henry Wilson.
369	John Berge.r
373	John Brown.
376	Patrick Cosgrove.
377	John R. Weldou.
382	John Cary.
383	Pedro Madria.
386	Pedro Riez.
387	John Henderson.
388	Juan Maria, (killed on the San Joaquin.)
391	Cyrus Peters.
395	John Johnson.
401	Thos. McFarland Foley.
404	John Garduer.
409	John Lincoln.
410	Richard Berry.
413	John Smith.
425	William Lecount.
438	James Low.
454	John McKenna.
457	Antonio Tuad.
465	C. G. Smith.
466	James R. Atkins.
467	Henry A. Stevens,
488	Barney C. Smith.
588	L. W. Dray.



# STATISTICAL RETURN OF PRISONERS CONFINED IN THE STATE PRISON OF CALIFORNIA.

Number of Prisoners in prison June 1, 1855,	323
Received since that date,	164
	<hr/> 487
Discharged since June 1,	88
Escaped,	
Died,	1— 93
	<hr/>
Remaining in prison December 24, 1855,	394

## *Places of Nativity of Prisoners.*

### NATIVE BORN.

New York,	56
Maryland,	8
Virginia,	11
Massachusetts,	18
Pennsylvania,	26
Alabama,	2
Kentucky,	12
Ohio,	16
Illinois,	7
Louisiana,	4
New Jersey,	3
Missouri,	9
Indiana,	5
District of Columbia,	3
New Hampshire,	3
Vermont,	6
South Carolina,	2
Tennessee,	3
Georgia,	2
Maine,	2
Texas,	3
Wisconsin,	4
Rhode Island, North Carolina, Connecticut, Arkansas, and Delaware, 1 each,	5
Total,	<hr/> 210

## FOREIGN BORN.

England,	-	-	-	-	-	-	-	24
Ireland,	-	-	-	-	-	-	-	41
Scotland,	-	-	-	-	-	-	-	6
Germany,	-	-	-	-	-	-	-	25
Italy,	-	-	-	-	-	-	-	5
Hungary,	-	-	-	-	-	-	-	2
France,	-	-	-	-	-	-	-	20
Malta,	-	-	-	-	-	-	-	2
Spain,	-	-	-	-	-	-	-	3
Sweden,	-	-	-	-	-	-	-	2
Manilla,	-	-	-	-	-	-	-	3
Brazil,	-	-	-	-	-	-	-	4
Mexico,	-	-	-	-	-	-	-	62
California,	-	-	-	-	-	-	-	22
Chili,	-	-	-	-	-	-	-	30
China	-	-	-	-	-	-	-	25
New Mexico,	-	-	-	-	-	-	-	2
Portugal, Cuba, Hanover, Argentine Republic, Bava-								
ria, Belgium, Westphalia, Heliogoland, East Indies,								
Norway, and Canada, 1 each,	-	-	-	-	-	-	-	11
Total foreign,	-	-	-	-	-	-	-	289
“ native,	-	-	-	-	-	-	-	210
Grand total,	-	-	-	-	-	-	-	499

N. B. In the above statement, twelve convicts are included twice—they having escaped, and been returned again on new charges and under new names. This will account for the discrepancy between the two totals of Prisoners confined since June 1, 1855.

## AGES OF CONVICTS.

20 and under	-	-	-	-	-	-	84
20 to 30	-	-	-	-	-	-	285
30 to 40	-	-	-	-	-	-	85
40 to 50	-	-	-	-	-	-	22
50 to 60	-	-	-	-	-	-	9
60 and upwards	-	-	-	-	-	-	2
Total	-	-	-	-	-	-	487

## CRIMES.

Grand Larceny,	-	-	-	-	-	312
Manslaughter,	-	-	-	-	-	29
Assault with intent to murder,	-	-	-	-	-	37

Assault with bodily injury	-	-	-	-	-	19
Burglary,	-	-	-	-	-	18
Robbery,	-	-	-	-	-	21
Murder,	-	-	-	-	-	10
Arson,	-	-	-	-	-	2
Rape,	-	-	-	-	-	3
Embezzlement,	-	-	-	-	-	2
Sodomy,	-	-	-	-	-	1
Counterfeiting,	-	-	-	-	-	5
Mayhem,	-	-	-	-	-	4
Perjury,	-	-	-	-	-	4
Receiving stolen goods,	-	-	-	-	-	4
Kidnapping,	-	-	-	-	-	1
Forgery,	-	-	-	-	-	6
Assault with intent to commit rape,	-	-	-	-	-	9
Total,	-	-	-	-	-	487

## PRISONERS DISCHARGED.

In month of June,	-	-	-	-	-	12
“ July,	-	-	-	-	-	11
“ August,	-	-	-	-	-	17
“ September	-	-	-	-	-	11
“ October,	-	-	-	-	-	12
“ November,	-	-	-	-	-	9
“ December	-	-	-	-	-	16
Total,	-	-	-	-	-	88
Died, Sept. 30,	-	-	-	-	-	1
Escaped, Sept. 30,	-	-	-	-	-	1
“ Oct. 5,	-	-	-	-	-	1
“ Dec. 11,	-	-	-	-	-	2
Total,	-	-	-	-	-	93

Of the above discharges there were—

Discharged by expiration of term,	-	-	-	-	67
“ Pardon,	-	-	-	-	16
“ Habeas Corpus,	-	-	-	-	5
Total,	-	-	-	-	88

Since the foregoing statement was written, six prisoners have been received, one pardoned, two discharged, and two escaped.

Prisoners in Prison, Dec. 31, 1855, - - 395



## OCCUPATIONS OF PRISONERS, AS DESCRIBED IN THE REGISTER.

Sailors, - - - - -	37
Tailors, - - - - -	11
Moulders, - - - - -	2
Bakers, - - - - -	6
Engineers, - - - - -	3
Clerks, - - - - -	14
Rancheros, - - - - -	3
Shoemakers, - - - - -	9
Lawyers, - - - - -	2
Carpenters, - - - - -	29
Ship Carpenters, - - - - -	3
Cooks, - - - - -	12
Vaqueros, - - - - -	7
Saddlers, - - - - -	3
Barbers, - - - - -	3
Wheelwrights, - - - - -	2
Merchants, - - - - -	5
Blacksmiths, - - - - -	11
Packers, - - - - -	2
Tinners, - - - - -	3
Farmers, - - - - -	20
Butchers, - - - - -	4
Painters, - - - - -	3
Coopers, - - - - -	2
Stewards, - - - - -	6
Printers, - - - - -	2
Cigar makers, - - - - -	2
Bricklayers, - - - - -	2
Teamsters, - - - - -	4
Washmen, - - - - -	3
Plasterers, - - - - -	2
Physicians, - - - - -	2
Upholsterers, - - - - -	2
Traders, - - - - -	2
Joiner, - - - - -	1
Farrier, - - - - -	1
Tavern keepers, - - - - -	2
Stone cutters, - - - - -	3
Caulker, - - - - -	1
Candle maker, - - - - -	1
Gambler, - - - - -	1
Dealer in Grain, - - - - -	1
Plumber, - - - - -	1
Jeweler, - - - - -	1
Coppersmith, - - - - -	1
Newsboy, - - - - -	1
Nailor, - - - - -	1
Locksmith, - - - - -	1
Gardener, - - - - -	1
Tobacconist, - - - - -	1
Saw repairer, - - - - -	1

Pianoforte maker,	-	-	-	-	-	-	1
Shipmaster,	-	-	-	-	-	-	1
Chairmaker,	-	-	-	-	-	-	1
Surveyor,	-	-	-	-	-	-	1
Confectioner,	-	-	-	-	-	-	1
Gold beater,	-	-	-	-	-	-	1
Pedlar,	-	-	-	-	-	-	1
Ox driver,	-	-	-	-	-	-	1

The remainder are described as Laborers.

STATEMENT OF THE COUNTIES PRISONERS WERE CONVICTED IN.

San Francisco,	-	-	-	-	-	-	132
Yuba,	-	-	-	-	-	-	27
Tuolumne,	-	-	-	-	-	-	23
San Joaquin,	-	-	-	-	-	-	20
El Dorado,	-	-	-	-	-	-	30
Mariposa,	-	-	-	-	-	-	27
Santa Clara,	-	-	-	-	-	-	15
Sacramento,	-	-	-	-	-	-	68
Calaveras,	-	-	-	-	-	-	45
Contra Costa,	-	-	-	-	-	-	10
Marin,	-	-	-	-	-	-	4
Napa,	-	-	-	-	-	-	3
Los Angeles,	-	-	-	-	-	-	9
Nevada,	-	-	-	-	-	-	19
Sierra,	-	-	-	-	-	-	4
Placer,	-	-	-	-	-	-	7
San Luis Obispo,	-	-	-	-	-	-	2
Monterey,	-	-	-	-	-	-	14
Santa Barbara,	-	-	-	-	-	-	2
Butte,	-	-	-	-	-	-	4
Solano,	-	-	-	-	-	-	4
Siskiyou,	-	-	-	-	-	-	8
Alameda,	-	-	-	-	-	-	4
Amador,	-	-	-	-	-	-	6
Trinity,	-	-	-	-	-	-	3
Sutter,	-	-	-	-	-	-	3
Shasta,	-	-	-	-	-	-	5
Yolo,	-	-	-	-	-	-	2
Santa Cruz,	-	-	-	-	-	-	3
Stanislaus,	-	-	-	-	-	-	1
San Bernardino,	-	-	-	-	-	-	2
Klamath,	-	-	-	-	-	-	1

GUARDS AND OVERSEERS, DECEMBER 31, 1855.

Captain of the Guard,	-	-	-	-	-	1
Overseers,	-	-	-	-	-	5
Guards,	-	-	-	-	-	32

Eight of the above guards are at Marin Island, where there are sixty-five prisoners, who are included in the grand total.

## DATE OF DISCHARGE OF CONVICTS SINCE JUNE 1, 1855.

BY EXPIRATION OF SENTENCE.

June 3	John Anderson.
14	Jose C. Barcelas.
	A. E. Johnson.
15	Andreas Rambes.
19	Damasio Perez.
	Miguel Costa.
24	M. T. White.
29	Manuel Antonio.
30	John Francis.
July 8	John Hawkins.
18	Feliciano Guerrero.
22	Juan Chappo.
26	John Eckle.
	Frederick Eckle.
	William Curran.
	Pedro Gomez,
31	H. B. Simmons.
Aug. 1	Obadiah Paxlin.
7	William Welch.
	Edward Farrell.
	Anastacio Laforge.
	William Herbert.
	J. W. Potts.
11	Charles Carson.
12	Colin Douglass.
19	A. E. Edwards.
21	Gregorie Sequeranda.
25	Thomas O'Connor.
	William McCann,
	Peter Miller.
	Clark Curry.
26	Robert Williams.
Sep. 2	John Arrison.
	Valentine Ebbetts.
	H. B. Mullen.
	Lafont Raymond.
15	Thomas Fuller.
16	Francis Montoya.
18	Thomas Sullivan.
Oct. 4	Louis Donnallen.
9	James Newland.
19	Juan Moran.
	Ai Yai.
	Ah Ti.

## DATES OF DISCHARGES—Continued.

---

Oct. 19	Ah Ching.
21	Ah King
25	George Sullivan.
31	William Ferry.
	Francis Medina.
Nov. 7	Jose Garcia.
22	Henry Smith.
24	William Thompson.
25	Francis Campbell.
29	James Smith.
Dec. 2	John Turner.
	Benjamin Parker.
9	John Jackson.
	T. M. Rouse.
12	John Kuiply.
13	A. Foy.
16	Juan Rodriguez.
18	Richard Baxter.
	John Lake.
20	Robert Livingstone.
21	John Miller.
25	William Martin.
31	John Gustavus.

---

## BY PARDON.

---

July 11	John Porter.
28	George Crawford.
Aug. 5	J. McClelland.
10	Notley T. Patrick.
16	James Hadden.
Sept. 1	William Knox.
11	David Dunn.
Oct. 4	Thomas Hern.
31	John Blake.
Nov. 6	William Taylor.
7	James Smith.
16	C. P. Vries.
	Thomas Millgate.
Dec. 5	P. W. Farren.
6	J. H. Harper.
9	Ah Ouong.
11	Luke M. Patrick.
22	James Newman.
24	David Owens.

---



## DATES OF DISCHARGES.—Continued.

## BY WRIT OF HABEAS CORPUS.

June 12.	Juan Montane.
	Antoline Labre.
	Joaquin Arrieta.
July 29.	Rafael Martinez.
Oct. 23.	James McClane.

## ESCAPED AND NOT RETAKEN.

Sep. 30.	John Robinson.
Oct. 5.	John Welsh.
Dec. 4.	James Lating.
	Isaac Lord
23.	Henry Dobbins.
	Yade Feinaspin.

## DIED.

Sep. 30	Manuel Bojorques.
---------	-------------------

## PARDONS.

December 2d, 1854—Commuted punishment of Thomas Crooks, convicted in Tuolumne County, District Court, of murder, and sentenced to death on the 8th day of April, 1854—to ten years in State Prison.

December 11th—Commuted punishment of James Stewart, convicted at April Term, District Court of Trinity County, 1854, of the crime of murder, and sentenced to death—to ten years in State Prison.

December 12th—Pardoned John Ashton, convicted in El Dorado Court of Sessions, Dec. 31st, 1853, of assault with intent to murder, and sentenced to one year in State Prison.

January 17th, 1855—Pardoned Wm. H. Winters, John Morrissey, and C. G. Duffy, convicted in Placer County of assault and battery, at November term, 1854, and sentenced to County Jail for one hundred days.

January 24th—Pardoned Richard Marble, convicted in District Court of Nevada County, November Term, 1854, of manslaughter, and sentenced to imprisonment in County Jail.

January 26th—Pardoned Rowland Hughes, convicted in El Dorado County, of manslaughter, and sentenced at January term, 1854, to one year's imprisonment in State Prison ; convicted in District Court.

February 10th—Commuted punishment of James Brown, convicted at November term, District Court of Siskiyou County, of murder, and sentenced to death, on the second of March, 1855 ; commuted to twenty years imprisonment in the State Prison.

March 10th—Pardoned John Tábor, convicted at the October term of the District Court of San Joaquin County, A. D. 1854, of the crime of murder, and sentenced to death on the 16th day of March, A. D. 1855.

March 15th—Pardoned David B. Akey, convicted in the Court of Sessions of San Francisco County, February 2, 1855, of "assault with intent to commit bodily harm," and sentenced to State Prison for one year.

March 17th—Pardoned Henry M. Knox, convicted in Court of Sessions, of San Joaquin County, of grand larceny, August term, A. D. 1854, and sentenced to State Prison for two years.

April 20th—Pardoned Wm. O. Ogley, confined in State Prison.

May 7th—Pardoned Juan Valdez, convicted at November term, 1854, of Court of Sessions of Contra Costa County, of grand larceny, and sentenced to twenty year's imprisonment in State Prison ; Pardoned on condition of leaving the State.

May 11th—Commuted punishment of Thomas Milgate, convicted in Sacramento District Court, 1855, of the crime of murder, from death to imprisonment in State Prison for two years.

May 11th—Commuted punishment of John Blake, convicted in San Francisco of murder, and sentenced to death ; commuted to two years in State Prison.

May 11th—Pardoned E. W. Walton, convicted at April term Sacramento District Court, 1855, of manslaughter, and sentenced to three months in State Prison.

May 12th—Pardoned John F. Leonard, convicted in El Dorado Court of Sessions, February term, 1855, and sentenced to imprisonment in State Prison for one year.

May 12th—Pardoned John Bogert, convicted in San Francisco Court of Sessions in February, 1855, of grand larceny, and sentenced to imprisonment in State Prison for one year.

May 6th—Pardoned Henry Ayres, convicted at February term of Court of Sessions of Nevada County, 1855, of assault with intent to commit bodily injury, and sentenced to State Prison for one year.

July 9th—Pardoned George Crawford, convicted October term of Court of Sessions of San Francisco County, 1854, of grand larceny, to one year in State Prison.

July 10th—Pardoned John McLellen, convicted in Sacramento County, November term, 1854, in Court of Sessions, of rape, and sentenced to ten years in State Prison ; Pardon to take effect August 15th, 1855.

July 16th—Pardoned Notley T. Patrick, convicted in Alameda Court of Sessions of assault with deadly weapons, and sentenced to State Prison for six months ; Pardon to take effect August 10th, 1855.

July 28th.—Reprieved Edward Bugbee, convicted in Amador County of Grand Larceny, and sentenced to be hung on the 7th August ; Reprieved until August 24th, 1855.

August 13th.—Pardoned James Hadden, sentenced to two years in State Prison for Grand Larceny.

August 22d.—Pardoned Wm. Knox, Tuolumne County, for "Assault with intent to kill."

September 8th.—Pardoned David D. Dunn, convicted in Court of Sessions of San Francisco County, November term, 1854, of Grand Larceny, and sentenced to State Prison for one year.

September 21st.—Commuted punishment of William Gregory, convicted in District Court of Stanislaus County, August term, 1855, for Murder ; sentenced to Death ; punishment commuted to imprisonment in State Prison for five years.

September 28th.—Pardoned Thomas Hern, convicted in Court of Sessions of San Francisco County in March, 1855, and sentenced to State Prison for four years.

October.—Pardoned John Blake, convicted of murder in San Francisco Co sentence commuted to imprisonment for two years in State Prison.

November 6.—Pardoned Wm. Taylor, convicted in Sierra County, 6th November A. D. 1852, and sentenced to three years imprisonment in State Prison on crime of manslaughter.

November 7.—Pardoned James Smith, convicted of manslaughter at October term, 1854, of Fourth District Court, San Francisco, sentenced to three years imprisonment in State Prison.

November 13.—Pardoned Thomas Milgate, convicted of murder in the District Court, Sixth Judicial District, Sacramento County, punishment commuted on 5th May, 1855, and sentenced to imprisonment in State Prison for two years.

November 13.—Pardoned Joseph E. Littlefield, convicted of grand larceny in the Court of Sessions of Santa Clara County, and sentenced to one year imprisonment in State Prison.

November 13.—Pardoned C. P. Vose, convicted of grand larceny on the 5th of May, 1855, in the Court of Sessions of Sonoma County, and sentenced to twenty-three months in State Prison.



## COMMUNICATION FROM THE SECRETARY OF WAR.

WAR DEPARTMENT,  
Washington, July 18, 1855. }

SIR—

I have to acknowledge the receipt of your letter of the 12th of May, transmitting certain statements intended to show the amount of expenses incurred and paid by the State of California, in the suppression of Indian hostilities, for the repayment of which, provision has been made by the ninth section of the army appropriation Act, approved August 5, 1854.

The Act directs the Secretary of War "to examine into, and ascertain the amount of expenses incurred, and now actually paid by the State of California." This requirement cannot, in my opinion be fulfilled, upon evidence showing nothing more than that the State has made certain bonds and warrants, for the purpose of satisfying claims of the description specified in the Act, and that these bonds have been issued to certain persons. Under similar circumstances other States have produced the original bills paid by them, and the Department has thus been enabled at once to see that the charge was one which Congress intended to assume, and that it had been paid. I cannot so far depart from a practice, which I believe has been invariably observed, as to authorize payment to be made to the State of California, upon the evidence now tendered.

Very respectfully,

Your obedient serv't,

JEFFERSON DAVIS,  
Secretary of War.

Hon. JOHN BIGLER,  
Governor of California.

## REPORT OF THE CALIFORNIA LAND COMMISSIONERS.

OFFICE OF THE BOARD OF CALIFORNIA LAND COMMISSIONERS, }  
 San Francisco, May 24, 1855. }

To His Excellency JOHN BIGLER,  
 Governor of California:

SIR,

The time for which the Board of Commissioners, appointed under an Act of the Legislature, approved May 18, 1853, having expired this day, I am directed by the Board to report to you the condition of and amount of each sale of Water Lot Property made by them, the amount of money received by the State Treasurer, the amount due the State, and from whom due.

In compliance with the above order, I herewith annex the following statement.

JNO. S. LOVE,

By order of the Board of California Land Commissioners.

## STATEMENT OF SALES.

*Sale of October 20, 1853.*

Amount of sale, October 20, 1853,	\$143,700 00
Received by State Treasurer,	\$103,710 88
Amount due by Wm. Arrington,	7,364 12
do do H. F. Dana,	3,025 00
do do W. H. White,	7,750 00
do do resale of Lot 75,	12,250 00
do do do do 73,	3,600 00
do do do do 74,	6,600 00
	<hr/>
	\$143,700 00

*Sale of December 28th, 1853.*

Amount of sale December 28th, 1853,		\$350,475 00
do	received by State Treasurer,	91,835 00
do	due by H. Joseph,	23,590 00
do	re-sale of lots 19, 21, 35, 36,	11,600 00
do	due by James M. Ray,	5,900 00
do	do re-sale of lot 30,	1,000 00
do	do John Rockford,	350 00
do	do re-sale of lot 7,	1,250 00
do	do W. H. Talmadge,	3,250 00
do	do re-sale of lots 8, 9, 15, 16, 17, 18,	9,100 00
do	do H. Casement, jr.,	4,125 00
do	do re-sale of lots 10, 11, 12, 19,	4,975 00
do	do Chas. H. Stanten,	13,000 00
do	do re-sale of lots 3 and 4,	4,250 00
do	do Chas. Wood,	16,850 00
do	do re-sale of lots 1 and 7,	10,100 00
do	do T. Place,	20,000 00
do	do re-sale of lots 5, 6, 9,	13,000 00
do	do Geo. Reed,	6,600 00
do	do re-sale of lot 2,	2,000 00
do	do Chas. H. Swain,	18,700 00
do	do re-sale of lots 25 and 27,	10,300 00
do	do H. C. Worth,	15,300 00
do	do re-sale of lots 2, 6, and 8,	5,950 00
do	do H. C. Perry,	24,600 00
do	do re-sale of lots 10, 11 and 12,	6,600 00
do	do C. C. Bowman,	10,100 00
do	do re-sale of lots 2, 6, 14 and 20,	4,950 00
do	do M. R. Roberts,	2,000 00
do	do re-sale lot 13,	1,500 00
do	do S. C. Hastings,	1,675 00
do	do re-sale of lot 21,	1,025 00
10s		<hr/> \$350,475 00

*Sale of March 9 and 10, 1854.*

Amount of sale of March 9 and 10,		\$235,900 00
do received by State Treasurer,	\$161,068 20	
do due by Wm. H. Talmage,	6,823 50	
do do H. Casement,	2,564 95	
do do J. Carothers,	2,600 00	
do do J. S. Pollock,	3,055 00	
do do J. L. Higgins,	1,316 25	
do do Jno. Saterlee,	2,272 25	
do do George Rider,	675 00	
do do resale of Lot 10,	825 00	
do do Charles Wheeler,	5,750 00	
do do resale of Lots 15 and 16,	3,750 00	
do do R. Buck,	3,300 00	
do do resale of Lots 18, 21, and 26,	3,950 00	
do do Hays & Monson,	1,524 00	
do do T. R. Johnson,	11,375 00	
do do resale of Lots 12, 13, and 14,	7,150 00	
do do George Stein,	4,000 00	
do do resale of Lots 21 and 22,	6,100 00	
do do C. C. Bowman,	2,259 93	
do do S. C. Hastings,	5,540 92	
	<hr/>	\$235,900 00

*Sale of June 6th, 1854.*

Amount of sale, June 6th, 1854,		\$103,975 00
do received by State Treasurer,	\$82,732 00	
do due J. Carothers,	5,490 00	
do do A. J. Delatour,	5,025 00	
do do S. M. Bowman,	9,765 00	
do do Geo. Brown,	963 00	
	<hr/>	\$103,975 00

*Sale of August 17, 1854.*

Amount of sale August 17, 1854,		\$77,564 00
do received by State Treasurer,	\$70,173 00	
do due by Geo. Kelsey,	1,460 00	
do do William Ely,	625 00	
do do P. H. Saywood,	100 00	
do do Thomas Wakeman,	3,700 00	
do do Mrs. S. Moulton,	200 00	
do do R. C. Eldredge,	290 00	
do do H. S. Fitch,	100 00	
do do H. F. Williams,	100 00	
do do Jno. Swords,	65 00	
do do S. C. Hastings,	751 00	
	<hr/>	\$77,564 00



*Sale of October 26, 1854.*

Amount of sale of October 26, 1854,		\$101,645 50
do received by State Treasurer,	\$60,044 08	
do due by G. H. Butler,	3,935 00	
do do R. E. Woods,	5,640 00	
do do Thos. Tennant,	110 00	
do do Harkness,	3,905 00	
do do Levi Parsons,	660 00	
do do W. B. Swain,	108 00	
do do L. White,	105 00	
do do S. C. Hastings,	159 00	
do do A. C. Wakeman,	20 00	
do do Hart & Wolf,	1,226 00	
do do Troebuck,	275 00	
do do J. R. Lowry,	5,251 50	
do do J. N. Olney,	48 75	
do do T. C. Hambly,	81 00	
do do J. Williams,	1,080 00	
do do Pollock,	973 00	
do do B. Richardson,	2,368 00	
do do F. Phillips,	67 50	
do do W. E. Dennis,	2,402 67	
do do J. D. Carr,	596 00	
do do T. S. Miller,	15 00	
do do C. C. Bowman,	100 00	
do do G. M. Smith,	45 00	
do do J. S. Williams,	330 00	
do do A. B. Scott,	5,100 00	
do do J. M. Read,	7,000 00	
	<hr/>	\$101,645 50

*Sale of January 18th, 1855.*

Amount of sale, January 18, 1855.		\$22,234 00
do received by State Treasurer,	\$17,845 80	
do due by F. Lanson,	2,705 00	
do do J. S. Pollock,	1,571 20	
do do B. J. Evans,	55 00	
do do A. Guthery,	57 00	
	<hr/>	\$22,234 00

## RECAPITULATION.

Total amount of sales by the Board of California		
Land Commissioners,		\$1,035,493 50
Less re-sales as per foregoing statements.		131,225 00
		<hr/>
		904,268 50
Total amount received by State Treasurer,	\$587,408 96	
Total amount due by sundry parties.	316,859 54	
	<hr/>	\$904,268 50

## REPORT OF THE NEW BOARD OF STATE LAND COMMISSIONERS.

*To the Senate and Assembly of California :*

The undersigned, State officers, officiating as a Board of State Land Commissioners, have the honor herewith to transmit the report of Jacob S. Cohen, Esq., agent of the said Board, appointed in accordance with the third section of an Act, passed by a two-third vote, on the 1st day of May, 1855, entitled, an Act supplementary to an Act, approved May 18, 1855, entitled, an Act to provide for the sale of the interest of the State of California in the property within the water-line front of the City of San Francisco, as defined in and by an Act to provide for the disposition of certain property of the State of California, passed March 26, 1851.

Before entering upon the performance of the duties of his office, the agent above named, was required by the Board to execute a bond to the State of California, in the sum of one hundred thousand dollars, for the faithful performance of the duties of the same.

The bond was required not only because authorized by law, but, because other official duties rendered it impossible for the members of the Board, or any one member of it, to attend in person. By the third section of the Act, the title of which is above recited, it is made the duty of the agent to make all collections, receive payments in cash, or the civil warrants of the Controller of State, and pay the same over to the Treasurer of State, on the warrants of the Controller, and discharge such other duties as may be assigned him by the said Board.

In addition to the duties assigned the agent by the third section, the Board authorized him to adjust all unsettled accounts against the old as well as the new Board, but in no case to allow a claim originating under the old Board, until attested by the oath of the claimant. In all cases before issuing deeds, purchasers were required to present to the Board a statement from the agent, setting forth that payment in full had been made in accordance with law, and that the person or persons named were entitled to receive a deed or deeds for the property described. These statements, as received, were placed on file in the office of the Board at San Francisco.

In accordance with the third section of the Act of May 1, 1855, the agent of the Board, on the 31st day of December last, filed a full statement with the Controller of State, and on his warrant, paid over to the State Treasurer all the funds remaining in his possession, and received for State property sold.

It is, perhaps, necessary, in this connexion, to state, that of the property sold since the organization of the present Board, but few parcels were of much value; the greater portion of it consisting of lots resold on account of purchasers at sales made by the late Board of State Land Commissioners.

The proceedings, and records of the Board are on file in the office of the Board at San Francisco.

In conclusion, we deem it proper to invite your attention to the fact, that the agent states, as will be seen by reference to his report, that all the property of the State authorized to be disposed of by existing laws, has been sold, and that it is now only necessary to make it the duty of some officer of State to collect

Jan. 9.]

77

the several sums due by reason of forfeiture, amounting in the aggregate to \$294,856 72.

JOHN BIGLER,  
Governor.

SAM. BELL,  
Controller of State.

CHAS. H. HEMPSTEAD,  
Secretary of State.

January 2, 1856.

## REPORT OF THE AGENT OF THE STATE LAND COMMISSIONERS.

OFFICE OF THE BOARD OF CALIFORNIA LAND COMMISSIONERS.

*To the Hon. Board of California Land Commissioners :*

GENTLEMEN—

I have the honor herewith to hand you the annual Report of the transactions of the Board in this office.

The receipts in this office from January 1, 1855, to date, as will be seen in exhibits A and B, amount to \$59,306 05, of which amount, \$30,343 50, was derived from sales of October 10, 1855, and \$28,962 55, from collections made from purchasers at sales made by the former Board.

The expenditures, as per exhibit marked C, have been \$59,252 93, leaving a balance in my hands to the credit of the State of \$53 12.

I submit a list of audited bills, which have not been paid for want of means, amounting to \$14,211 38, and of unaudited bills amounting to \$4,185 00.

Out of the expenditures, as per exhibit marked C, \$53,516 38, were incurred by the former Board, and \$5,736 68, by the present Board.

From a careful examination of the books and papers in this office, I find that \$500,634 91 has been received and paid into the State Treasury for property purchased by sundry persons at sales made by former Board, and that there is due the State by sundry persons, \$294,856 72, for amounts arising from differences in sales made by the Board.

I have also to report, that all of the property, as embraced in the several bills of the Legislature, under which the Board have power to sell, has been disposed of and deeded, leaving no other business for the Board except the collecting of the several accounts, as per exhibit marked D.

Very respectfully,

Your obdt. servt.

J. S. COHEN,  
Agent California Land Commissioner.

## Exhibit A.

## Statement of Amounts due from State Sale of 10th October, 1855.

PURCHASERS.		AMOUNT RECEIVED.	
J. Brown,	-	J. Brown,	-
A. J. Butler,	-	A. J. Butler,	-
D. Calloway,	-	D. Calloway,	-
J. Brown,	-	J. Brown,	-
D. C. Brown,	-	D. C. Brown,	-
P. W. Van Winkle,	-	P. W. Van Winkle,	-
S. C. Hastings,	-	S. C. Hastings,	-
J. R. Corvett,	-	J. R. Corvett,	-
J. T. McDougal,	-	J. T. McDougal,	-
M. Crooks,	-	M. Crooks,	-
H. O. Gaylord,	-	H. O. Gaylord,	-
J. H. Spring,	-	J. H. Spring,	-
R. W. Allen,	-	R. W. Allen,	-
H. B. Wheeler,	-	H. B. Wheeler,	-
Mr. Drake,	-	Mr. Drake,	-
Isaac Friedman,	-	Isaac Friedman,	-
Mr. Gilman,	-	Mr. Gilman,	-
Mr. Johnson,	-	Mr. Johnson,	-
Margaret Darcy,	-	Margaret Darcy,	-
David Calloway,	-	David Calloway,	-
L. S. Pollard,	-	L. S. Pollard,	-
\$1,320 00		\$1,320 00	
830 00		830 00	
6,100 00		6,100 00	
715 50		715 50	
390 00		390 00	
1,350 00		1,350 00	
6,292 00		6,292 00	
7,775 00		7,775 00	
25 00		25 00	
48 00		48 00	
75 00		75 00	
1,600 00		1,600 00	
88 00		88 00	
96 00		96 00	
105 00		105 00	
66 00		66 00	
180 00		180 00	
40 00		40 00	
3 00		3 00	
3,050 00		3,050 00	
195 00		195 00	
\$30,343 50		\$30,343 50	



## Exhibit B.

*Statement of Receipts from Purchasers at Sales made by the former Board*

From Henry S. Dana,	\$300 25
do William Arrington,	7,364 12
do H. Casement, by J. H. Spring,	2,565 00
do S. M. Bowman,	1,125 00
do George Brown,	963 00
do W. H. Talmage,	12,113 00
do John Satterlee,	2,272 25
do C. C. Bowman,	2,259 03
Total,	<hr/> \$28,962 55

## Exhibit C.

*Statement of Expenditures.*

Paid A. Rummelsberg,	\$261 00
do S. Webb,	69 75
do do	28 75
do Frank Baker,	178 88
do Samuel Bell,	200 00
do John Bigler,	200 00
do Richards & Bros.	18 00
do Whitton, Town & Co.,	\$150 00
do do do	200 00
	<hr/> 350 00
do J. S. Cohen,	2,100 00
do W. F. Williamson,	2,100 00
do D. Calloway,	2,400 00
do do	23,958 00
do J. R. Coryell,	4,124 00
do do	2,949 00
do do	2,272 25
do do	12,113 00
do do	2,500 00
do do	3,200 00
do J. S. Cohen,	190 00
do Ruhl & Co.,	30 00
Printing Bill,	10 00
	<hr/> \$59,252 93

## Exhibit D.

*J. S. Cohen, Agent, in account with State of California.*

Dr.

To amount received from proceeds of Sales of Property in San Francisco, October 10, 1855. (See Exhibit A.)	\$30,343 50	
To amount received from purchasers at sale made by the former Board. (See Exhibit B.)	28,962 55	
	<hr/>	\$59,306 05

Cr.

By amount paid "Expenditures." (See Exhibit C.)	\$59,252 93	
By amount on hand to credit of the State,	53 12	
	<hr/>	\$59,306 05
Dr. to amount on hand,	\$53 12	

SAN FRANCISCO, December 26, 1855.

## Exhibit E.

*Amount due the State from Purchasers at Sales made by the former Board.*

C. C. Bowman,	\$10,300 00
W. H. Talmadge,	3,260 50
Jesse Caruthers,	6,490 00
H. Casement,	4,314 95
N. R. Scott,	4,800 00
G. M. Read,	6,950 00
M. R. Roberts,	2,050 00
W. H. White,	7,800 00
Geo. Stein,	4,100 00
	<hr/>
Amount carried forward,	\$50,065 45

Amount brought forward,	\$50,065 45
T. R. Johnson,	11,525 00
R. Buck,	3,450 00
Chas. Wheeler,	59,000 00
Mr. Rider,	1,725 00
H. C. Perry, Jr.	24,750 00
H. C. Worth,	15,400 00
Chas. H. Swain,	18,800 00
Geo. Read,	6,650 00
T. Place,	20,150 00
Chas. Wood,	16,950 00
Chas. H. Stanton,	13,100 00
John Rochford,	400 00
J. M. Ray,	5,950 00
B. Richardson,	3,828 00
Levi Parsons,	594 00
F. Phillips,	102 00
W. E. Dennis,	2,794 00
G. M. Smith,	63 00
George Kelsey,	1,526 00
George Wakeman,	3,709 00
H. S. Fitch,	109 00
J. Williams,	1,296 00
J. D. Carr,	1,064 00
B. J. Evans,	1,026 00
Thos. Miller,	31 00
Jno. Swords,	109 00
W. B. Saybrook,	109 00
M. S. Moulton,	218 00
H. C. Eldridge,	509 00
John S. Harkness,	4,067 00
J. R. Lowry,	5,880 00
E. M. Hart,	87 00
J. N. Olney,	79 00
T. C. Huntly,	109 50
Wm. Ely,	634 00
Michael Wolfe,	1,427 00
Thos. Tennant,	119 00
A. Traebuck,	409 00
F. Lawson,	5,336 00
Mr. Williams,	109 00
W. B. Swain,	144 00
L. White,	136 00
J. S. Higgins,	1,325 25
Hayes & Munson,	443 00
S. C. Hastings,	4,812 92
J. S. Pollock,	4,735 50

---

 \$294,856 72

## Exhibit F.

*Audited Bills not paid, for want of funds.*

## PRINTING BILLS.

State Journal,	\$2,265 75
Do.	35 62
San Joaquin Republican,	2,265 75
San Francisco Evening News,	2,227 50
San Francisco Herald,	2,308 51
San Francisco Times and Transcript,	3,148 25
San Francisco Eco du Pacifico,	2,000 00
	<hr/>
	\$14,211 38

*Unaudited Accounts.*

## PRINTING BILLS.

California Express,	\$2,065 00
San Francisco Sun,	2,120 00
	<hr/>
	\$4,185 00



## COMMUNICATION FROM THE SURVEYOR GENERAL.

SURVEYOR GENERAL'S OFFICE,  
Sacramento, Jan. 7, 1856. }

To his Excellency, JOHN BIGLER,  
Governor of California:

SIR—

I regret the necessity of informing your Excellency that circumstances beyond my power to control have hitherto prevented the completion of my report.

It will be completed as soon as possible, (in a few days), when, if not objected to on the part of the Assembly, I will transmit a copy to the Clerk of that honorable body.

I have the honor to be,

Very respectfully,

Your obedient servant,

S. H. MARLETTE,  
Surveyor General.

## LIST OF APPOINTMENTS.

OFFICE OF SECRETARY OF STATE,  
January 7, 1856. }

To his Excellency Governor JOHN BIGLER :

I have the honor herewith to transmit a list of appointments to fill vacancies during the year ending December 1, 1855, as desired by you, transcribed from the records of this office.

Very respectfully,

CHAS. H. HEMPSTEAD,  
Secretary of State.

January 17, 1855.—R. H. Dimmick, County Judge Los Angeles, vice Myron Norton.

January 22, 1855.—John E. McNair, County Judge Sonoma county, vice F. W. Shattuck.

February 3, 1855.—J. H. Caswell, County Judge Nevada county

March 2, 1855.—J. R. Dickey, as County Treasurer, Sutter county.

March 6, 1855.—John Youtz, Public Administrator, Santa Clara county.

April 16, 1855.—James S. Griffith, as Assessor of Placer county, vice William McCarthy.

May 7, 1855.—Daniel Taylor, as Clerk of Marin county, vice James F. Poin-dexter, deceased.

May 9, 1855.—Jeremiah Urie, as Pilot of Benicia, vice C. H. Harrison, removed.

May 20, 1855.—William S. Oliver, as Pilot of San Diego.

May 20, 1855.—David C. Lewis, as County Judge of Klamath county, to fill vacancy.

June 7, 1855.—John S. Hager, as County Judge of Fourth Judicial District, vice Delos Lake, resigned.

September 21, 1855.—C. H. Harrison, as Pilot at Benicia.

November 5, 1855.—Charles H. Hempstead, as Secretary of State, vice J. W. Denver, resigned.

Mr. Flint moved to dispense with the reading of the same, and that one thousand copies be printed.

Mr. Coffroth moved to amend by inserting ten thousand copies.

Mr. French called for a division of the question.

Agreed to, and the reading dispensed with.

Upon the amendment offered by Mr. Coffroth, the ayes and noes were demanded by Messrs. Flint, Coffroth, and French, with the following result.

#### AYES.

Messrs. Coffroth, Day, Dosh, Fiske, French, Gove, Heintzelman, Hook, Lip-pincott, Mandeville, McNeill, and Shaw—12.

## LIEUTENANT GOVERNOR.

Robert M. Anderson,.....	47,996
Samuel Purdy,.....	46,206
	<hr/>
	1,790

## INFORMAL VOTE FOR LIEUTENANT GOVERNOR.

Robert M. Anderson,.....	1,228
Samuel Purdy,.....	1,020
	<hr/>
	208

## COMBINED RETURNS FOR LIEUTENANT GOVERNOR.

Robert M. Anderson,.....	47,996
Samuel Purdy,.....	46,206
	<hr/>
	1,790

On motion the Convention took a recess of a half-hour.

## IN CONVENTION.

On motion of Mr. Mandeville a committee of two was appointed to wait upon the Governor elect and inform him that both Houses were in waiting to receive him.

Mr. Mandeville was appointed on the part of the Senate and Mr. McFarland on the part of the Assembly.

The Governor and Lieutenant Governor elect appearing at the bar of the Assembly, the oath of office was administered by Chief Justice Murray.

Whereupon, the President declared that J. Neely Johnson, having received a majority of the votes, was duly elected Governor of California, for the ensuing two years, and Robert M. Anderson, having received a majority of the votes, was duly elected Lieutenant Governor for the same period.

Governor Johnson then delivered the following Inaugural Address.

About to assume the duties which have been assigned me by the free suffrages of the people of this State, under the solemnity of the oath I have just subscribed in the presence of this Convention of delegated representatives and vast concourse of citizens, here assembled, I find much to impress me with a sense of the onerous responsibilities attached to the gubernatorial office—the most exalted position a State can bestow—whilst at the same time a preference thus manifested, cannot fail to inspire me with the most profound sentiments of gratitude toward those from whom I have received this distinguished mark of confidence.

Universal custom demands of the incoming Executive an indication of the general course of policy by which he will be guided in the administration of public





power of providing means for their own maintenance, so far even as to pledge their credit and revenue; else every movement might be at once arrested, and each department fail utterly to perform the functions for which it was ordained. The exclusion of such authority in our own State Government, without the observance of the formula prescribed in the article just quoted, would wholly destroy its utility, and render its action entirely abortive; thus making it what it was never designed to be by the framers of the Constitution—a Government in name, indeed, but destitute of the power to impart vitality to any of its movements. Hence, in my view, no Constitutional objection can arise, in making all needful appropriations for supporting the various departments of the State Government. But here the authority ceases; and *each and every* appropriation for purposes not absolutely and necessarily embraced within the class of expenditures required to support the State Government, or such as fall within the exception—"in case of war, to repel invasion, or suppress insurrection,"—the Constitution utterly forbids and prohibits, unless previously submitted to the people for their sanction and ratification in the prescribed manner.

In this same connection, I would call attention to Sec. 23, Art. IV., of the Constitution: "No money shall be drawn from the treasury, but in consequence of appropriations made by law." How far this requirement has been complied with, it is only necessary to refer to past action, and it will be seen that a considerable amount of State indebtedness has been created by at least a most latitudinous construction of what constitutes an "appropriation made by law," and often by an utter disregard of his positive mandate of the Constitution.

Another restrictive feature of this instrument is found in the article relating to Corporations, and *vide* § 4, 1 *ibid.*, has not been so closely observed as its importance demands. Sec. 31 of Art. IV., provides, that "Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes." And the sense in which the word "Corporations" is there employed, is defined in Sec. 33 of the same article, as follows: "The term corporations, as used in this article, shall be construed to include all associations and joint stock companies, having any of the powers or privileges of corporations not possessed by individuals or partnerships." The experience of all legislatures has demonstrated the pernicious consequences attending on conferring authority upon the legislative department to grant special privileges to corporate companies, in which the public have but little or no interest. To mention no greater objection, the frequency of such applications oftentimes absorbs much valuable time, and greatly retards the course of general business. The framers of our Constitution have, therefore, "except for municipal purposes," wisely forbidden the Legislature to pass other than general laws on this subject. Entertaining the opinion that these provisions *mean* what, in words readily understood, they *declare*, if upon examination, it shall be found that the general laws hitherto enacted require amendment so as to promote their greater usefulness, my sanction will be most cheerfully given; but, "except for municipal purposes," it will be withheld from any special act of incorporation.

The only remaining subject, especially connected with this branch of my remarks, to which I wish now allude, is the veto power conferred on the Executive. In this respect the Constitution of California is not singular, but finds a precedent in that of the Federal Union, and, with various modifications, in those of all the States composing that Union. At this remote period, it is unnecessary to investigate the motives which, in a system like our own, prompted the adoption of a feature so positively in derogation of the popular will, as manifested through their chosen representatives; but we may rationally infer that the prerogative thus bestowed was never designed to be rashly or inconsiderately exercised, nor its uses prostituted to the accomplishment of selfish ends, but

rather to preserve intact the Constitution, to guard from intrusion and violation its sacred mandates, and to restrain the improvident exercise of legislative power. If, unhappily, the necessity shall arise during my official term—which I confidently hope and believe will not—in my opinion calling for the interposition of this prerogative, it will only be exercised in consonance with the views I have here expressed.

An observance of the foregoing maxims may contribute much to relieve the embarrassments under which our beloved State has so long labored, but they constitute only in part these reformatory measures the people ask, yea, demand, at the hands of the administration. The most rigid economy in all its departments, scrupulous fidelity in the discharge of public trusts, and an earnest zeal in promoting the present and future well-being of the State, are confidently expected from those in power. To this end, the abolition of all sinecures and needless offices—especially refusing to create more of like kind—a just and discriminating reduction of the fees and emoluments of office, and withal (if such detestable heresy has ever in our State found its votaries, that there can honestly exist such things as constructive perquisites in salaried offices,) teaching the official incumbent of every degree, that he must look solely to the legitimate salary or fees, as defined by law, for compensation; the adoption of such needful amendments to our code, criminal and civil, as will tend to promote the impartial and speedy administration of justice, simplify legal proceedings, and give force and efficacy to laws framed for beneficent purposes, but which have proven so defective as to render them absolutely nugatory; that the blessings of a Republican Government may be successfully enjoyed, and the noblest boon of the American citizen not ruthlessly overridden by perjury and fraud, the enactment of election laws and regulations, such as will tend to secure the legal voter, whether native or naturalized, the right of voting in security and safety; the exercise of such constitutional legislation as will be calculated to adjust, on equitable terms, controversies in relation to lands, in adverse possession to those claiming under Mexican grants, that stability and certainty of title may tend to augment population and improvement, and enhance the public revenue; the adoption of biennial sessions of the Legislature, and by assiduity and laborious industry in the work of legislation, bring the sessions within the shortest possible limit; these, gentlemen of the Legislature, constitute some of the undertakings now before us; and, entertaining as I do, the most exalted confidence in the purity of your motives, wisdom of your counsels, and regard for the public weal, I doubt not we will be found alike co-workers in the noble task of reform now to be begun, and prosecuted with a zeal and ardor that knows no abatement, that the sincerity of our declarations may be vindicated, and public expectation realized.

But let us not forget that we have other duties and obligations than those entailed in the management of our domestic affairs. As one of the American Confederacy, whilst California would evince a due spirit of resistance toward any encroachment on her well-recognised rights as a sovereign State, she yields to none in the alacrity displayed in the performance of her duties toward the General Government, the history of her people constitutes the noblest vindication of their fealty to the Union, and their desire for its perpetuation. When, years ago, she was struggling with a self-constituted government, during months of anxious entreaty, refused recognition as a State; paying tribute in countless thousands to the Federal Treasury; her people sorely perplexed with the apparent indifference with which their appeals were received—no murmur of discontent was heard, or threat of secession indulged in; and when at length came the glad news of admission to the rights of a State, the universal joy of the people demonstrated their loyal attachment and devotion to the Union. Such is now the universal sentiment which the lapse of time has but strengthened; and the fond hope may be confidently cherished, that if

ever disorganizers shall plot the destruction of this noblest fabric of human government, the people will be found arrayed in its defense and preservation.

In conclusion, though fully sensible of the fact, that the present condition of the State invokes the aid of administrative capacity, having its foundation in eminent ability and the most comprehensive experience, and conscious that those attributes of character are denied me, yet in the discharge of the difficult duties which I am called upon to perform, with a hopeful dependence on the watchful and protecting care of that Ruler who is supreme over all, I hesitate not to give the assurance that so far as I have at this time avowed my course of policy, its observance shall be strictly regarded, and that in all matters of public duty, an impartial, honest, and conscientious course shall illustrate my own action; and if the fond wishes for the public good in which I have indulged be not realized, it will not result from the want of determined and constant effort on the part of your Executive.

J. NEELY JOHNSON.

The President then declared, that having performed the duties for which the Convention had assembled, it was adjourned *sine die*.

## IN SENATE.

Mr. Heintzelman offered the following resolution:

*Resolved*, That the Controller of State be, and he is hereby, authorized to draw his warrant on the State Treasurer, in favor of C. Dickinson and E. O. F. Hastings, for one week's service as Secretary and Assistant Secretary of the Senate, payable out of the Fund for pay of officers and clerks of the Senate.

Adopted.

On motion of Mr. Hawks, a committee of two were appointed to wait upon his Excellency, the Lieutenant Governor, and escort him to his seat.

The President appointed Messrs. Hawks and Norman said committee.

On assuming the duties of his office, the President delivered the following inaugural address:

*Senators:*

Having been chosen by the people of this State to preside over your deliberations, I adopt this method of returning my sincere thanks to those who have been my peculiar friends in elevating me to this honorable position; and, in addition, I feel it necessary to state what will be my conduct during the deliberations of this body, as long as I have the honor of presiding over it. I conceive my position to be one of a neutral character; that it is my bounden duty to show as much regard to those who are politically opposed to me, as to those who are my political friends. And if there are any who expect me to pursue a different

course, then I tell them they will be disappointed; for it will be my duty to treat all with the same degree of impartiality and courtesy, whether opposed to or associated with me in party. And, although I am indebted to the reform party for the position which has given me existence as presiding officer of the Senate, yet I shall in all things endeavor to act so as to advance the welfare of the whole people of this State, without respect to party or faction. And in conclusion, I ask those who politically differ with me, to indulge me, if I show a want of legislative experience; and I farther trust, that our deliberations will be marked by a spirit of kindness and forbearance.

Mr. Hawks offered the following resolution:

*Resolved*, That the Senate express toward the Hon. Samuel Purdy their appreciation of his conduct as the presiding officer of the Senate, and bear testimony to the courtesy, ability, and impartiality that have always distinguished his acts as President of the Senate.

Unanimously adopted.

On motion of Mr. Ferguson, the Senate adjourned,

---

## IN SENATE.

THURSDAY, JANUARY 10, 1856.

Senate met pursuant to adjournment.

Prayer by Rev. Mr. Pratt.

Lieutenant Governor in the chair.

The Journal of yesterday was read and approved.

Mr. Burton offered the following report:

*Mr. President:*

The Committee appointed to digest suitable Rules for the government of the Senate, would respectfully report the accompanying rules and orders and ask their adoption.

H. P. HEINTZELMAN,  
E. F. BURTON,  
P. C. RUST.



## RULES AND ORDERS.

## I.

The President shall call the Senate to order at the stated hour, and if a quorum be present, he shall order read the Journal of the preceding day.

## II.

After the reading and approving of the Journal, the order of business shall be as follows:

- 1.—Presentation of Petitions.
- 2.—Reports of Standing Committees.
- 3.—Reports of Select Committees.
- 4.—Messages from the Governor.
- 5.—Messages from the Assembly.
- 6.—Motions, Resolutions, and Notices.
- 7.—Second reading of Bills.
- 8.—Third reading of Bills.
- 9.—Unfinished business of the preceding day.
- 10.—Special Order of the Day.

## III.

Messages from the Governor, State Officers, and from the Assembly, may be considered at any time.

## IV.

The President shall cause the Secretary to make a list of all bills, resolutions, reports of committees, and other proceedings, which are committed to a Committee of the Whole, and which are not made the order of the day for any particular day, which list shall be called "The General Orders of the Day."

## V.

All questions relating to the priority of business shall be decided without debate.

## VI.

When the reading of a paper is called for (except petitions,) and the same is objected to by any member it shall be determined by a vote of the Senate without debate.

## VII.

When a question is under debate no motion shall be received, but the following privileged questions, which shall have precedence in the following order:

- 1.—To Adjourn.
- 2.—To Lay on the Table.
- 3.—To Postpone to a day certain.
- 4.—To Commit.
- 5.—To Amend.
- 6.—To Postpone Indefinitely.

## VIII.

The President shall have the right to name any member to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

## IX.

Every Senator, when he speaks, shall, standing in his place, address the President: and, when he has finished, he shall sit down. No member shall speak more than twice in any one debate, on the same day, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of another who has not spoken.

## X.

When two or more members rise at once, the President shall name the member who is to speak first.

## XI.

No motion shall be debated until the same be seconded and distinctly announced by the President; and it shall be reduced to writing, if desired by the President or any member, and read by the Secretary, before the same shall be debated. A motion may be withdrawn at any time before amendment.

## XII.

Every bill shall be introduced by giving at least one day's previous notice, or by order of the Senate on the report of a Committee, unless the Senate unanimously consent.

## XIII.

Every bill shall receive three readings previous to its being passed. The President shall give notice at each, whether it be the first, second or third; which readings shall be on different days unless the Senate unanimously direct otherwise. No bills shall be amended or committed until twice read.

## XIV.

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put, shall (unless for special reasons he be excused) declare openly and without debate his assent or

dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the members shall be taken alphabetically.

#### XV.

All Committees of the Senate, and all Joint Committees on the part thereof, shall be appointed by the President, or in his absence, by the President pro tem., or in the absence of both, by the acting President.

#### XVI.

The Rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times of speaking, and except that the ayes and noes shall not be taken.

#### XVII.

No amendment shall be received at the third reading of any bill or resolution, unless by unanimous consent; but it may be in order before the final passage of any bill or resolution to move its commitment or recommitment, under special instructions.

#### XVIII.

When a member shall be called to order, he shall sit down until the President shall have determined whether he is in order or not, and every question of order shall be decided by the President, subject to an appeal to the Senate by any member. If a member be called to order for words spoken, the exceptionable language shall immediately be taken down in writing.

#### XIX.

No member shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate are hereby authorized to send the Sergeant-at-Arms, or any other person, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent member respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient; and in that case, the expense shall be paid out of the contingent fund. And this rule shall apply, as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session, after the hour has arrived to which the Senate stood adjourned. The President, or acting President of the Senate, or of less than a quorum thereof, shall have power to issue process directed to the Sergeant-at-Arms, or any other person, to compel the attendance of members absent without leave. Any Senator who shall refuse to obey such process, unless sick or unable to attend, shall be deemed guilty of a contempt of the Senate, and the Sergeant-at-Arms, or other person, to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent member, and for this purpose he may command the force of the county, or of any county in the State.

## XX.

When a question has been once put and decided, it shall be in order for any member voting in the majority to move for the reconsideration thereof, and such motion shall take precedence of all other questions except a motion to adjourn, but no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment, or motion upon which the vote was taken shall have gone out of the possession of the Senate, nor after the usual message shall have been sent from the Senate announcing its decision; nor shall any motion for reconsideration be in order unless made on the same day in which the vote was taken, or upon the next day of the actual session of the Senate thereafter; nor shall any question be reconsidered more than once.

## XXI.

The following Standing Committees shall be appointed:

1. Committee on Claims—to consist of three members.
2. " " Finance " " five "
3. " " Judiciary " " seven "
4. " " Elections " " three "
5. " " Public Lands—to consist of five members.
6. " " Commerce and Navigation—to consist of five members.
7. " " Federal Relations " " three "
8. " " State Hospitals " " five "
9. " " Mines and Mining Interests " " seven "
10. " " Indian Affairs " " five "
11. " " State Prison and Public Buildings—to consist of three members.
12. " " Education—to consist of three members.
13. " " State Library " " three "
14. " " Mileage " " three "
15. " " Counties and County Boundaries—to consist of three members.
16. " " Corporations—to consist of five members.
17. " " Agriculture, Missions and Mission Lands—to consist of five members.
18. " " Public Printing—to consist of three members.
19. " " Roads and Highways—to consist of three members.
20. " " Contingent Expenses of the Senate—to consist of three members.
21. " " Military Affairs—to consist of five members.
22. " " Public Expenditures—to consist of five members.
23. " " Public Morals and Police—to consist of five members.
24. " " Engrossed Bills—to consist of six members.
25. " " Enrolled Bills " " six "
26. " " Internal Improvements—to consist of seven members.
27. " " Escheated Estates " " five "

## XXII.

When an amendment to the Constitution or any bill requiring the concurrence of two-thirds of the Senators, is under consideration, the concurrence of two-



thirds shall not be required to decide any question for amendments, or extending to the merits, being short of the final question.

### XXIII.

On a motion made and seconded, to close the doors of the Senate on the discussion of any business which may, in the opinion of the Senate, require secrecy, the President shall require all persons except the members, Secretaries, Sergeant-at-Arms and Door Keeper of the Senate to withdraw, and during the discussion of said motion the doors shall remain closed, and every member and officer of the Senate shall keep secret all such matters, proceedings and things, whereof secrecy shall be enjoined by order of the Senate.

### XXIV.

The Committee on Engrossed Bills, shall examine all Bills, amendments, and resolutions, before they go out of the possession of the Senate, and make report. Report from the Committee on Engrossed Bills shall be the order of the day.

### XXV.

When a resolution shall be offered, or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order, viz:

1. The Committee of the whole Senate.
2. A Standing Committee.
3. A Select Committee.

### XXVI.

In all cases not provided for by these rules, parliamentary practice, as laid down in Jefferson's Manual, and the rules of the Senate of the United States is hereby adopted.

### XXVII.

The time of meeting of the Senate shall be 11 A. M., of each day, (Sundays excepted); and in case any other is named, it shall be applicable only to one day, and shall not affect this rule beyond the day named for a different hour of meeting.

### XXVIII.

The rooms, passages and buildings set apart for the use of the Senate, shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the journals, papers, bills, etc., of the Senate. He shall see that all officers of the Senate perform their respective duties. He shall have the power to appoint the necessary Pages and Porters of the Senate.

### XXIX.

When any member is absent, without the bar of the Senate, when his name

is called on the call of ayes and noes, on any vote about to be taken, his vote shall not be received unless previously agreed to by the members present; nor shall a member be counted on a division of a vote, who was absent, or without the bar of the Senate without leave.

## XXX.

Any rule may be suspended by a concurrence of two-thirds of the members present; and any additional rule, or amendment of a rule may be offered, by giving one day's notice, and the concurrence of two-thirds of the members present.

## XXXI.

The unfinished business in which the Senate was engaged at the last preceding adjournment, shall have the precedence in the special orders of the day.

## XXXII.

When the ayes and noes shall be taken upon any question, in pursuance of the above rule, no member shall be permitted, under any circumstances whatever, to vote after the decision is announced from the chair.

## XXXIII.

All bills on a second reading, shall first be considered by the Senate in the same manner as if the Senate were in Committee of the Whole, before they shall be taken up and proceeded on by the Senate, agreeably to the Standing Rules, unless otherwise ordered.

## XXXIV.

The final question upon the second reading of every bill or resolution originating in the Senate, and requiring three readings previous to being passed, shall be, "Shall it be engrossed and read a third time?" and no amendment shall be received for discussion at the third reading of any bill, resolution, amendment or motion, unless by unanimous consent of the members present; but it shall at all times be in order, except the final passage of any such bill or resolution, to move its commitment under special instructions, and should such commitment take place, and any amendment be reported by the Committee, the said bill or resolution shall be again read a second time, and considered as in Committee of the Whole, and then the aforesaid question shall be put.

## XXXV.

The titles of bills, and such parts thereof, only, as shall be affected by proposed amendments, shall be inserted in the Journals.

## XXXVI.

The proceedings of the Senate, when not acting as in Committee of the Whole, shall be entered on the Journal as concisely as possible; care being taken to

record a true and accurate account of the proceedings. But every vote of the Senate shall be entered on the Journal, and a brief statement of the contents of such petition, memorial, or paper, presented to the Senate, shall also be inserted in the Journal.

## XXXVII.

Messages are introduced in any state of business, except while a question is being put, while the ayes and noes are calling, or while its ballots are counting.

## XXXVIII.

Places may be assigned to Reporters by the President.

## XXXIX.

In case of any disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the whole Senate) shall have the power to order the same to be cleared.

## XL.

• The previous question shall be in this form: "Shall the main question now be put?" It shall only be admitted when demanded by a majority of the Senators present, and its effect shall be to put an end to all debate, and bring the Senate to a direct vote upon amendments reported by a Committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the Senate shall be in order; but, after a majority shall have seconded such motion, no call shall be in order prior to a decision of the main question.

## XLI.

On a previous question, there shall be no debate. All incidental questions of order, arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

## XLII.

A President, *pro tempore*, shall be elected, whose powers shall be co-extensive with the President, and shall, in the absence of the President, take the chair, and call the Senate to order at the hour of the meetings of the Senate.

## XLIII.

When the Senate is equally divided, the Secretary shall take the decision of the President.

A Sergeant-at-Arms shall be appointed, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during its sittings, to execute the commands of the Senate, from time to time, together with all such process, issued by authority thereof, as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms, for every arrest, for each day's

custody and releasement, and for traveling expenses for himself or special messenger, going and returning, shall be paid out of the contingent fund, and no other fees shall be paid him beyond his pay per diem. It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of members, to prepare checks, and if required so to do, to draw the money on such checks, for the members (the same being previously signed by the President, and endorsed by the member or person to whom the check is made,) and pay over the same to the member or person entitled thereto.

#### XLIV.

It shall be the duty of the Door Keeper to prohibit all persons except Senators, Members of the Assembly, officers of the two Houses, and such Reporters as have had seats assigned them by the President, from coming within the bar of the Senate, unless invited by the Senate through the President, and to arrest for contempt, all persons outside of the bar, or in the gallery, found engaged in loud conversation, or otherwise making a noise, to the disturbance of the Senate.

Mr. Shaw moved to increase the number of the Committee on Printing from three to five.

Accepted.

Mr. Day moved to increase the number of the Committee on Education from three to five.

Accepted.

Mr. Ashley offered the following additional rule.

#### XLV.

No bill or other matter shall be printed, without first being specially ordered by the Senate, and the Sergeant-at-Arms shall certify to the reception by the Senate of all such printed matter, and the quantity before payment shall be made, or bills audited, and maps accompanying documents, shall not be printed under the general order to print, without the special direction of the Senate.

Two hundred and forty (240) copies shall be printed, of each document, or other matter ordered, unless the Senate specially direct a different number.

The report was accepted.

Mr. Flint offered the following amendment to rule 27 :

Rule 27 —The Senate shall convene at 10 A. M., unless otherwise ordered by the Senate, and such order shall not extend to more than one day in advance.

Accepted.

Mr. Ashley offered the following additional rule :



"In filling up blanks, the least term and shortest time shall be first put."

Accepted.

On motion, the rules and orders reported by the Committee were adopted as amended.

Mr. Mandeville moved that the same be engrossed and 240 copies printed.

Adopted.

Mr. Mandeville moved that a Committee of two be appointed to report Joint Rules for the government of the Senate and Assembly.

The President appointed the following gentlemen :

Messrs. Rust and Hook said Committee.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT, )  
January 9, 1856. )

*To the Hon. the Senate and Assembly of the State of California :*

I have this day appointed William H. Rhodes, Esq., the Governor's Private Secretary.

J. NEELY JOHNSON,  
Governor of California.

On motion of Mr. Hawks the Senate went into Executive Session :

#### EXECUTIVE SESSION.

After some discussion, Mr. Shaw offered the following resolution ;

*Resolved,* That the Senate do not deem it necessary to be consulted or to act upon the appointment of Private Secretary of the Governor.

Adopted

On motion, the injunction of secrecy was dissolved, and the Sergeant-at-Arms instructed to throw open the doors.

## IN SENATE.

The following communication was received from his Excellency the Governor :

EXECUTIVE DEPARTMENT, }  
Sacramento, January 10, 1856. }

*To the Honorable the Senate of California :*

I hereby nominate and appoint David F. Douglass, Secretary of State of the State of California, and respectfully ask the concurrence of the Senate therein.

J. NINELY JOHNSON,

Governor of California.

On motion the Senate again went into Executive Session.

## EXECUTIVE SESSION.

Mr. Mandeville moved that the communication be laid upon the table.

Upon which the ayes and noes were demanded by Messrs. Mandeville, Norman and French, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Crandall, Day, Dosh, French, Gage, Heinzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Shaw and Tilford—13.

Those who voted in the negative were—

NOES.

Messrs. Ashley, Burnett, Bynum, Burton, Caffroth, Cosby, Ferguson, Fiske, Flint, Hawke, Hawthorne, McLean, McCalum, McGee, Rust, Seellen, Waite, Westmoreland and Wilson—19.

So the motion was lost.

Mr. French moved to make the communication the special order for to-morrow at 12 o'clock M.

Mr. Flint demanded the previous question.

Sustained.

The question being, "Shall the main question now be put?"

It was carried.

The question recurring upon the motion of Mr. French.

It was lost.

Upon the question of confirming the nomination of David F. Douglass, <sup>as</sup> Secretary of State, it was decided by the following vote:

#### AYES.

Messrs. Burnett, Burton, Bynum, Coffroth, Crandall, Cosby, Dosh, French, Gove, Hawks, Hawthorne, Heintzleman, Hook, Mandeville, McCallum, McNeill, Norman, Rust, Seellen, Waite, Westmoreland, Wilson—22.

#### NOES.

Messrs. Ashley, Day, Ferguson, Fiske, Flint, Lippincott, McCoun, McGee, Shaw Telford—10.

So the nomination was confirmed.

On motion, the injunction of Secrecy was dissolved.

### IN SENATE.

The following communication was received from Charles H. Hempstead, late Secretary of State:

OFFICE OF SECRETARY OF STATE. }  
Sacramento, Jan. 7, 1856. }

*To the Honorable the Senate and Assembly of the State of California:*

In compliance with the 11th section of the Act of May 15, 1854, relative to the Office of Secretary of State, I have the honor herewith to transmit copies of the several Contracts made by me for Stationery, Fuel, &c., for the use of the Legislature, which was severally awarded to the lowest bidder, in accordance with the requirements of law.

The vouchers and accounts for the articles already furnished, are now on file in the Office of the Controller of State.

It is also my duty to inform you, that I have caused gas fixtures, chandeliers,

and banners, to be filed in the Capitol Building, the accounts and vouchers for which, are now on file in the Office of the Controller of State.

The articles furnished, and the work performed, it is proper to state, have all been in strict conformity to the bids and contracts, and it is hoped that you will early in the session, make provision in payment therefor, as required by the Act of last session.

I have filed with the Controller of State, statements of the several amounts expended by me from the Contingent Fund of this Office, since the 5th day of November, 1855.

I have also, in obedience to law, caused the Capitol to be cleaned and painted, and the furniture to be repaired; the certified accounts for which, have been filed with the Controller.

I have also renewed the contract entered into by my predecessor, with Wells, Fargo & Co., for the distribution of laws and documents, and the transmission of all packages, documents, and letters, to and from the office of Secretary of State, during the year 1856, for the sum of one thousand five hundred dollars, (\$1,500).

CHAS. H. HEMISTEAD,

Secretary of State.

Mr. Mandeville moved to go into the election of Chaplain.

Upon which, the yeas and nays were demanded by Messrs. Fiske, Ashley, and Waite, with the following result:

Those who voted in the affirmative were:

AYES.

Messrs. Barnitt, Bynum, Coffroth, Crandall, Cosby, Day, Dosh, Ferguson, Fiske, Flint, Gove, Hawks, Hawthorne, Heck, Lippincott, Mandeville, McCullum, McGee, McNeill, Rust, Shaw, Telford, Wesenorthland, Wilson—24.

Those who voted in the negative, were.

NOES.

Messrs. Ashley, Burton, French, Norman, Scellen, Waite—5.

So the motion prevailed.

Mr. Ashley put in nomination the Rev. Father Slatterly.

The roll of the Senate was then called, with the following result.

Those who voted for Mr. Slatterly, were:

Messrs. Ashley, Norman, Scellen, and Shaw—4.

Those who voted for Mr. Pratt, were

Messrs. Burnett, Burton, Cosby, Gove, McGee, Rust and Waite—5.



Those who voted for Mr. Crouch, were:

Messrs. Bynum, Crandall, Hawks, Hawthorne, Lippincott, McConn, McNeill, Tifford and Wilson—9.

Those who voted for Mr. Diehl, were:

Messrs. Coffroth, Dosh, Ferguson, Fiske, Flint, Hook, Maudeville, McCadlum, Westmoreland—9.

Mr. Crouch received nine votes.

Mr. Diehl received nine votes.

Mr. Pratt received seven votes.

Mr. Slatterly received four votes.

Mr. Benton received one vote.

Mr. Ashley withdrew the name of Mr. Slatterly.

There having been no choice, the roll was a second time called, with the following result:

Those who voted for Mr. Diehl were:

Messrs. Ashley, Coffroth, Day, Dosh, Ferguson, Fiske, Flint, French, Hook, Maudeville, McCadlum, and Westmoreland—12.

Those who voted for Mr. Pratt, were:

Messrs. Burnett, Burton, Cosby, Gove, McGee, Rust, and Waite—7.

Those who voted for Mr. Crouch, were:

Messrs. Bynum, Crandall, Hawks, Hawthorne, Lippincott, McConn, McNeill, Norman, Scellen, Shaw, Tifford, and Wilson—12.

Mr. Diehl received 12 votes.

Mr. Pratt received 7 votes.

Mr. Crouch received 12 votes.

A majority of the votes not having been received by either of the candidates, there was no election.

Mr. Burton withdrew the name of Mr. Pratt.

Mr. Rust re-nominated Mr. Pratt.

Mr. Flint moved to make the subject the special order of the day for to-morrow at 12 o'clock, M.

Lost.

The Secretary then proceeded with a third call of the roll, which resulted as follows.

Those who voted for Mr. Deihl, were:

Messrs. Ashley, Coffroth, Day, Dosh, Ferguson, Fiske, Flint, French, Hook, Mandeville, McCallum, Shaw, Waite, and Westmoreland—14.

Those who voted for Mr. Pratt, were:

Messrs. Burnett, Burton, Bynum, Crandall, Cosby, Gove, Hawks, Hawthorne, Lippincott, McCoun, McGee, McNeill, Rust, Seellen, Tilford, and Wilson—16.

Mr. Benton received 1 vote.

Mr. Pratt received 16 votes.

Mr. Deihl received 14 votes.

Rev. Mr. Pratt having received a majority of all the votes, was declared elected.

Mr. Tilford gave notice that at an early day he would introduce a bill for an Act amendatory of an Act, entitled, an Act to regulate proceedings in Criminal Cases, passed May 1, 1851.

Mr. Hawthorne gave notice that he would, at an early day, introduce a bill to authorize the working of Convicts in the county of Placer.

Mr. Seellen gave notice that he would, at an early day, introduce a bill to provide a special term of the Fourteenth Judicial District Court in and for the county of Sierra.

Mr. Ferguson offered the following resolution:

*Resolved*, (by the Senate, Assembly concurring,) That the Senate and Assembly will meet in joint convention in the Assembly Chamber on Tuesday, Jan. 15, 1856, at 12 o'clock, M., for the purpose of electing a United States Senator for the term which commenced on the 4th of March, 1855, and is now vacant.

Mr. Mandeville moved to adjourn.

Upon which, a division was called.

The Chairman, Mr. Coffroth, proceeded to announce the result, when the ayes and noes were demanded by Messrs. Flint, Hawks, and Ferguson.

Mr. Rust rose to a point of order.

Mr. McCoun moved a call of the Senate.

Upon which the ayes and noes were demanded, with the following result:

AYES.

Messrs. Ashley, Burnett, Bynum, Coffroth, Ferguson, Fiske, Flint, Hawks, Hawthorne, McCoun, McGee, Seellen, and Westmoreland—13.

NOES.

Messrs. Burton, Crandall, Cosby, Day, Dosh, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeil, Norman, Rust, Shaw, Tilford, Waite, and Wilson—18.

So the resolution was lost.

Mr. Rust stated his point of order to be, that the Chair had decided the Senate adjourned before the ayes and noes were demanded.

The Chair decided the point of order not well taken.

Mr. Rust appealed from the decision of the Chair.

And the question being, "Shall the decision of the Chair stand as the judgment of the Senate?"

The ayes and noes were demanded by Messrs. Flint, McCoun, and Ferguson, with the following result:

AYES.

Messrs. Ashley, Burnett, Bynum, Ferguson, Flint, Hawks, Hawthorne, McCoun, McGee, Seellen, and Westmoreland—11.

NOES.

Messrs. Burton, Crandall, Cosby, Day, Dosh, Fiske, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McCallum, McNeill, Norman, Rust, Shaw, Tilford, and Wilson—20.

So the Senate stood adjourned.

R. M. ANDERSON,  
President of Senate.

Attest:

WM BAUSMAN, Sec'y Senate.

## IN SENATE.

SENATE CHAMBER, JAN. 11, 1856.

Senate met pursuant to adjournment.

Prayer by Rev. Mr. Pratt.

Lieut. Governor in the Chair.

Journal of yesterday read and approved.

Mr. Cosby gave notice that at an early day in the Session he would introduce a bill to appropriate money to defray the expenses incurred in suppressing Indian hostilities in the northern frontier of this State.

Also, a bill to appropriate money to locate and improve a Warren Road from Sacramento Valley to Shasta Valley, in this State.

Mr. French offered the following report:

*To the Hon. the Senate and Assembly of the State of California:*

GENTS:

In accordance with the provisions of an Act to discharge the Board of Examiners of War Claims from further duties and to abolish the same, approved April 23, 1855, have the honor to report the aggregate amount of unaudited claims in the office of the Board of Examiners, was \$24,936.46, as reported in the Senate, by the Hon. Chas. A. Leake and G. H. Hock, Special Committee, appointed to examine into the condition of the papers and vouchers relative to the War Debt.

The sum of \$4,976.25 has been audited by the Board up to the first day of August, 1855, the time when by the provisions of the aforesaid Act the Board was dissolved, owing to the informal nature of the transfer of claims and conflicting interests of parties, as well as the want of testimony to substantiate the legality of claims, the Board could not, in justice to the interests of the State, audit more than the above amount.

The War Debt, without interest, amounts to the sum of \$848,549.73.

The sum of \$200 was appropriated by the Legislature to pay a clerk to the Board, and also to make a duplicate statement of the transactions of the Board of Examiners, from its organization to its dissolution. This sum was found inadequate for the purpose, and the Board, deeming it important to have the work executed advised the Controller to issue his warrant on the War Loan Fund for \$1,100, as a further compensation, the duplicate statement is herewith transmitted and made a part of this report.

The Board of Examiners would most respectfully call the attention of the



Legislature to the printed report and statement of the Senate Special Committee, Messrs. Leake and Hook, for ample information relative to the condition of the vouchers and papers that are in any way connected with the War Debt.

The Board of Examiners, deeming the knowledge possessed by their Clerk, Mr. A. J. F. Phelan, of the complicated and intricate transactions relative to the War Indebtedness, have requested him to remain until the meeting of the Legislature, for the purpose of communicating any information that may be required on the subject: trusting that he will be remunerated for the same.

SAM. BELL.

Controller of State.

S. A. McMEANS.

State Treasurer.

Board of Examiners of War Claims.

Dec. 31, 1855.

Mr. French moved that the Book containing the duplicate report of the Board of Examiners of War Claims be deposited with the Secretary of the Senate, and that he be directed to communicate that fact to the Assembly, with the additional information that it would be held subject to their examination at pleasure.

Adopted.

Mr. Dosh gave notice that at an early day he would introduce a bill for the purpose of increasing the terms of the District Court for Colusi County, so as to give to that County four terms in the year.

Mr. Burton gave notice that he would on to-morrow introduce an amendment to the twenty-seventh standing rule of the Senate.

Mr. Fick gave notice that he would, at an early day, introduce a bill to reduce the tax on Chinese miners.

The Lieutenant Governor presented the following Standing Committees for the Session.

## SENATE COMMITTEES.

### ON CLAIMS.

Messrs. Ashley, Hawthorne and Mandeville.

### ON FINANCE.

Messrs. McCoun, Lippincott, Barton, McCallum and Coffroth.

### JUDICIARY COMMITTEE.

Messrs. Ferguson, Tilford, Cosby, Westmoreland, Hawks, McCallum, Byam, Rust and Burnett.

## ON ELECTIONS.

Messrs. Hawks, Flint and French.

## PUBLIC LANDS.

Messrs. Ashley, Burnett, Heintzelman, Hook and Bynum.

## COMMERCE AND NAVIGATION.

Messrs. Flint, Gove, Bynum and Burnett.

## FEDERAL RELATIONS.

Messrs. McCallum, McNeill and Burton.

## STATE HOSPITAL.

Messrs. Fiske, Hawthorne, Shaw, McCoun and Lippincott.

## MINES AND MINING INTERESTS.

Messrs. Westmoreland, Cosby, Dosh, McGee, Mandeville, McNeill and Scellen.

## INDIAN AFFAIRS.

Messrs. Waite, Cosby, McNeill, Wilson and Heintzelman.

## STATE PRISON AND PUBLIC BUILDINGS.

Messrs. McGee, Westmoreland and Bynum.

## EDUCATION.

Messrs. Fiske, Ashley, Lippincott and Day.

## STATE LIBRARY.

Messrs. Burton, Tilford and Rust.

## MILEAGE.

Messrs. Bynum, French, and Wilson.

## COUNTIES AND COUNTY BOUNDARIES.

Messrs. Scellen, Norman and Fiske.

## CORPORATIONS.

Messrs. Coffroth, Fiske, Dosh, Ferguson and Westmoreland.

## AGRICULTURE, MISSION AND MISSION LANDS.

Messrs. Heintzelman, Wilson, Cosby, Bynum and Ferguson.

## PUBLIC PRINTING.

Messrs. Burnett, Coffroth, Heintzelman, Shaw and Westmoreland.

## ROADS AND HIGHWAYS.

Messrs. Hook, Flint and Scellen.

## CONTINGENT EXPENSES OF SENATE.

Messrs. Flint, De La Guerra and McCoun.

## MILITARY AFFAIRS.

Messrs. Cosby, Dosh, Mandeville, Wilson and McGee.

## PUBLIC EXPENDITURES.

Messrs. Hawthorne, Scellen and Waite.

## PUBLIC MORALS AND POLICE.

Messrs. Day, Burnett, Waite, Wilson and Shaw.

## ENGROSSED BILLS.

Messrs. Tiltord, Burton, Norman, McGee and McNeill.

## INTERNAL IMPROVEMENTS.

Messrs. Fiske, Westmoreland, Gove, McNeill, Flint, Crandall and Day.

## ESCHEATED ESTATES.

Messrs. Rust, Hook, Hawks, Burnett and Ashley.

Mr. Burton moved that the Standing Committees be printed with the Rules and Orders.

Carried.

Mr. Mandeville gave notice that he would, at an early day, introduce an Act to divide the State into Congressional Districts, according to an Act of Congress, approved June 25, 1842.

According to previous notice, Mr. Tiltord introduced a bill for an Act to amend an Act concerning the Office of County Recorder of the County of San Francisco.

Read a first and second time, and referred to the Delegation from San Francisco.

According to previous notice, Mr. Scellen introduced a bill for an Act to provide for a Special Term of the Fourteenth Judicial District Court in the County of Sierra.

Read a first and second time, and referred to the Judiciary Committee.

Mr. Mandeville moved that one thousand copies of the report of the Quartermaster General be printed.

Agreed to.

On motion, the unfinished business of yesterday was taken up, being a resolution to go into Joint Convention for the election of a United States Senator.

Mr. Mandeville moved to make the subject the special order for Tuesday next, at 12 o'clock, M.

Upon which the ayes and noes were demanded by Messrs. McCoun, French, and Hawthorne, with the following result:

AYES.

Messrs. Ashley, Bynum, Crandall, Day, Dosh, Fiske, Flint, French, Hook, Mandeville, McNeill, Norman, Rust, Shaw, Tilford, Waite, and Wilson—17.

NOES.

Messrs. Burnett, Burton, Coffroth, Cosby, Hawthorne, McCallum, McCoun, McGee, Scellen, and Westmoreland—10.

Mr. Tilford moved to adjourn—which motion was afterwards withdrawn.

Mr. Coffroth moved that the Sergeant-at-Arms be instructed to inquire of the Secretary of State and Controller of State, if they can conveniently vacate the rooms occupied by them in the Capitol building, that the same may be appropriated for the uses of the Lieut. Governor, and the various committees of the Senate.

Mr. Tilford moved to lay the motion on the table, and make it the special order for to-morrow, at 12 o'clock, M.—which was afterwards withdrawn.

Mr. Day moved to refer the subject to the Committee on Contingent Expenses, with instructions to report to-morrow.

Carried.

Mr. Mandeville moved that the Sergeant-at-Arms be instructed to furnish each Senator with three copies of daily newspapers, to be designated by the Senators themselves.



Mr. Day moved to amend the motion by inserting, "or weekly papers, if the Senators preferred, not to exceed the same aggregate cost."

Mr. Rust moved to amend by striking out "three," and inserting "five."

Pending the consideration of the subject, on motion of Mr. McCoun, the Senate adjourned.

## IN SENATE.

SATURDAY, January 12, 1856.

Senate met pursuant to adjournment.

Lieut. Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of yesterday read and approved.

In pursuance of a resolution adopted yesterday, the President appointed Messrs. Hook and Coffroth a Committee to act with a Committee of the Assembly in preparing Joint Rules for the government of the two Houses.

Mr. Tilford, from the San Francisco delegation, reported back Senate bill No. 1, entitled, an Act to amend an Act concerning the office of County Recorder of the county of San Francisco.

Upon motion of Mr. McCoun, the same was read a third time, and passed.

Mr. Burton, according to previous notice, moved to amend the 27th Standing Rule of the Senate, by inserting "eleven," instead of ten o'clock, A. M.

Upon which the ayes and noes were demanded by Messrs. McCallum, Day, and Ashley, with the following result:

### AYES.

Messrs. Barton, Cosby, Crandall, Dosh, Fiske, Gove, Hawks, Hawthorne, Hook, Lippincott, Mandeville, McGee, Rust, Scellen, and Tilford—15.

### NOES.

Messrs. Ashley, Burnett, Bynum, Day, Flint, McCallum, McCoun, McNeill, Norman, Shaw, Waite, Westmoreland, and Wilson—13.

So the motion, requiring a two thirds vote, was lost.

Mr. Burton gave notice that on Monday he would move an additional Rule to the Senate Standing Rules

Mr. Mandeville moved to take up the unfinished business of yesterday.

Agreed to.

And the Senate proceeded to consider the following resolution:

*Resolved*, That the Sergeant-at-Arms be instructed to make arrangements for furnishing each Senator with three daily California newspapers, to be selected by themselves, or with weekly, or other than weekly papers, not to exceed the aggregate cost of three daily papers.

Adopted.

Mr. Mandeville moved that three thousand copies of the Treasurer's and Controller of State's report be printed.

Mr. Tilford moved to amend by inserting one thousand copies.

The motion, as amended, was carried.

Mr. Hawks gave notice that he would, at an early day, introduce a bill for an Act to consolidate the City and County of San Francisco, and to provide for their local government.

Mr. Flint offered the following resolution:

*Resolved*, (the Assembly concurring,) That the Legislature will adjourn *sine die* sixty days from the sixth of the present month.

Mr. Rust moved that the same be indefinitely postponed.

Mr. Mandeville moved that the resolution be laid upon the table.

Upon which, the ayes and noes were demanded, with the following result:

#### AYES.

Messrs. Burton, Crandall, Day, Ferguson, French, Gove, Hawks, Hawthorne, Hook, Lippincott, Mandeville, McCandum, McCom, Rust, Seellen and Westmoreland—16.

#### NOES.

Messrs. Ashley, Burnett, Bynum, Cosby, Dosh, Fiske, Flint, McGee, McNeill, Norman, Shaw, Tilford, Waite and Wilson—14.

So the motion to lay on the table prevailed.

Mr. Hook offered the following resolution:

*Resolved.* That the Sergeant-at-Arms of the Senate is hereby directed to make arrangements with the Postmaster of this city and also with any of the Express companies, for the transmission of Letters, Papers, and Documents, to and from Senators, during the session of the Legislature: *provided*, the charges for such transmission, by Express companies, shall not exceed the rates by the United States Post Office.

Mr. French moved to strike out so much of the resolution as related to Express companies.

Mr. Hook withdrew the resolution.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate, that the Assembly have this day passed a concurrent resolution granting leave of absence to S. H. Brooks, County Treasurer of San Joaquin county.

Respectfully submitted,

J. M. ANDERSON,

Clerk Assembly.

*Resolved*, (by the Assembly the Senate concurring.) That S. H. Brooks, County Treasurer of San Joaquin county, is hereby granted leave to absent himself from the State, for the period of five months, from and after the 20th day of January, A. D., 1856.

Passed Assembly, Jan. 12, 1856.

J. M. ANDERSON,

Clerk Assembly.

Mr. Tilford offered the following resolution:

*Resolved*, That section 3d of rule 21st be amended so as to read as follows: "Committee on Judiciary to consist of nine members."

On motion of Mr. Burton, there being no objection, the rules were suspended and the resolution adopted.

Mr. McCoun offered the following resolution:

*Resolved*, by the Senate and Assembly, That a committee of three from the Senate and four from the Assembly be appointed to visit the State Prison, and that they be instructed to inquire into the general management of that institution, and for that purpose are empowered to send for persons and papers, and report the result of their investigations in writing as early as practicable.

Mr. Mandeville moved to amend the resolution by substituting the Standing Committees of the Senate and Assembly on the State Prison.

Upon which, the yeas and nays were demanded by Messrs. Mandeville, French, and Norman, with the following result:

## AYES.

Messrs. Burnett, Burton, Cressall, Day, French, Gore, Hook, Lippincott, Mandeville, McCre, McNeal, Norman, and Wilson—13.

## NOES.

Messrs. Ashley, Byrum, Cefreth, Costey, Dosh, Ferguson, Fiske, Flint, Hooks, Hawthorne, McCallum, McCann, Rust, Seellen, Shaw, Tilford and Winters—17.

So the motion was lost.

On motion of Mr. McCoun, the resolution was adopted.

Mr. Mandeville gave notice that he would, on Monday next, move a reconsideration of the vote just taken.

The following message was received from the Assembly:

SATURDAY, January 12, 1856.

*Mr. President:*

I am directed to inform the Senate that the Assembly passed, on yesterday, a Concurrent Resolution in relation to a Joint Convention to elect a United States Senator. The resolution is herewith reported.

*Resolved*, the Senate concurring, That the Senate and Assembly meet in Joint Convention in the Assembly Hall, on the 15th day of January instant, at 12 o'clock, M., for the purpose of electing a U. S. Senator in place of the Hon. Wm. M. Gavin, whose term of office expired on the 4th of March, 1855.

Respectfully submitted,

J. M. ANDERSON,  
Clerk Assembly.

Mr. Hawks moved that the Senate concur.

Mr. Mandeville moved that the resolution be made the special order for Tuesday next, at 12 o'clock, M.

Upon which, the yeas and nays were demanded by Messrs. Mandeville, Hawks, and French, with the following result:



AYES.

Messrs. Crandall, Day, Dosh, Fiske, Flint, French, Gove, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, Tilford, Waite and Wilson—17.

NOES.

Messrs. Burnett, Burton, Bynum, Coffroth, Cosby, Ferguson, Hawks, Hawthorne, McCallum, McCoun, McGee, Seellen and Westmoreland—13.

So the motion prevailed.

Mr. Coffroth offered the following resolution:

*Resolved*, By the Senate, the Assembly concurring, That Caleb Dorsey, District Attorney of Tuolumne county, is hereby granted leave of absence from the State, for the period of three months from January 1st, 1856.

Mr. Barton moved that the same be indefinitely postponed.

Upon which, the ayes and noes were demanded by Messrs. French, Burton, and Tilford, with the following result:

AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Crandall, Day, Dosh, Ferguson, Fiske, Flint, French, Gove, Hook, Lippincott, McCallum, Norman, Shaw, Tilford, Waite and Wilson—21.

NOES.

Messrs. Coffroth, Hawks, Mandeville, McCoun, McGee, McNeill, Rust, Seellen, and Westmoreland—9.

So the motion prevailed.

On motion of Mr. Burton, an indefinite leave of absence was granted to Mr. Heintzelman.

Mr. Shaw introduced a bill for an Act entitled an Act providing for the confinement of Prisoners of the United States.

On motion, the rules were suspended, the bill read a first and second time, and referred to the Judiciary Committee.

Mr. Flint gave notice, that he would, on Monday next, introduce an Act to repeal the Acts creating a Board of Supervisors, for San Francisco county, passed April 21, 1851.

Mr. Fiske gave notice, that he would at an early day, introduce a bill to re-establish the Boundary line between the counties of El Dorado and Amador.

Mr. Coffroth gave notice that he would, at an early day, introduce a bill to repeal an Act creating the Office of Quartermaster General.

Also, a bill levying a Special Tax, to build a Jail in Tuolumne county.

Mr. Ashley offered the following resolution:

*Resolved*, That no Committee Clerks shall be employed by any of the committees of the Senate.

Mr. Hawks moved to insert after the word Senate "except the Judiciary Committee."

Mr. Mauderville moved to amend the amendment by inserting, that the "Judiciary Committee, only, have power to employ a Clerk, when the business of the Committee commences.

Accepted.

Mr. Rust offered the following substitute:

*Resolved*, That no Clerks shall be employed by the Senate as Committee Clerks, unless absolutely necessary.

Upon which the ayes and noes were demanded by Messrs. Rust, Mauderville, and Hook, with the following result:

AYES.

Messrs. Bynum, Hawthorne, Mauderville, McCom, and Rust—5.

NOES.

Messrs. Ashley, Burnett, Burton, Cosby, Crandall, Day, Dosh, Ferguson, Fiske, Flint, French, Gore, Hawks, Hook, Lippincott, McCallum, McGee, McNeill, Seellen, Shaw, Tilford, Waite, Westmoreland, and Wilson—24.

So the substitute was lost.

Mr. Lippincott offered the following resolution as a substitute:

*Resolved*, That no Committee Clerks shall be employed by the Senate, except upon the Judiciary Committee; and not by that Committee, without first reporting the necessity of a clerk to the Senate.

Upon which, the ayes and noes were demanded by Messrs. Hawks, Ashley, and Lippincott, with the following result:

AYES.

Messrs. Burton, Bynum, Cosby, Crandall, Dosh, Ferguson, Fiske, Gore, Hawks, Hook, Lippincott, Mauderville, McCallum, McCom, McGee, Seellen, Shaw, Tilford, and Westmoreland—19.

NOTES.

Messrs. A. Wiley, Burnett, Day, Flint, French, Hawthorne, McNeill, Rust, Waite, and Wilson—10.

So the substitute was adopted.

Mr. Bynum gave notice that he would, at an early day, introduce a bill for an Act to change and fix the Times for Holding the Terms of the District Court in the Seventh Judicial District.

Mr. Hawthorne gave notice, that at an early day, he would introduce a bill to fund the debt of Placer county, and provide for the payment of the same.

Mr. Burton moved that the Committee on Mileage report the mileage of members by Tuesday next.

Carried.

On motion of Mr. Mandeville, the Senate adjourned.

R. M. ANDERSON,  
President of Senate.

Attest:

W. BAUSMAN, Sec'y Senate.

---

IN SENATE.

MONDAY, January 14, 1856.

Senate met pursuant to adjournment.

President *pro tem.* in the chair.

Prayer by the Rev. Mr. Pratt.

Mr. Burton moved a call of the Senate.

Agreed to.

The following Senators were found to be absent without leave:

Messrs. Bynum, Coffroth, Cosby, Ferguson, Fiske, Hawks, Hawthorne, Lippincott, McCoun, McGee, McNeill, Norman, Rust, and Westmoreland.

On motion of Mr. French, leave of absence for one day was granted to Mr. Bynum.

On motion of Mr. Gove, leave of absence for one day was granted to Mr. Ferguson.

On motion of Mr. Mandeville, leave of absence for one day was granted to Mr. Coffroth.

Journal of yesterday was read and approved.

Mr. Day moved that the Committee on Contingent Expenses be required to report forthwith on the subject of the vacation of the Committee Rooms of the Capitol building.

At the request of the Chairman of the Committee, one day's farther time was granted.

Mr. French offered the following resolution :

*Resolved*, That a Committee of three be appointed to make an arrangement with the Postmaster for the transmission of papers, letters and documents, and report to the Senate without delay.

Adopted.

The Chair appointed Messrs. French, Wilson and Norman said Committee.

Leave being granted, Mr. Shaw introduced a bill for an Act recommending to the Electors to vote for or against a Convention to revise and change the Constitution of this State.

There being no objection, the bill was read a first and second time and referred to the Judiciary Committee.

According to previous notice, Mr. Mandeville moved a reconsideration of the resolution appointing a Special Joint State Prison Committee.

Upon which the ayes and noes were demanded by Messrs. McCoun, Tilford and Gove, with the following result:

AYES.

Messrs. Burton, Cosby, Crandall, Day, De La Guerra, French, Gove, Hook, Mandeville, McCoun, McGee, McNeill, Norman, Waite and Wilson—15.

NOES.

Messrs. Burnett, Dosh, Fiske, Hawthorne, McCallum, Rust, Seellen, Shaw, Tilford and Westmoreland—10.

So the motion prevailed.



Mr. Mandeville moved to amend the resolution by striking out the words "three," and "five," and inserting the Senate and Assembly standing Committees on the State Prison.

Carried.

Mr. McCoun gave notice that on to-morrow he would move a re-consideration of the vote just taken.

Mr. Norman moved that a Special Committee of Five be appointed to ascertain the amount of Controller's Warrants that have been issued on account of the State Prison during the year 1855, and that the committee have power to send for persons and papers, and to take testimony in regard to the same.

The Chair appointed the following gentlemen the said committee:

Messrs. Norman, Waite, McGee, Shaw, and Fiske.

Leave being granted, Mr. Flint introduced a bill for an Act, entitled an Act to appropriate money to the use of the State Prison.

No objection being made, the bill was read a first and second time, and referred to the Committee on the State Prison.

Mr. Shaw moved that the bill for an Act recommending to the electors to vote for or against a Convention to revise and change the Constitution of this State be referred to the Committee on Claims.

Lost.

On motion, the unfinished business of yesterday was taken up, being a Concurrent Resolution to grant five month's leave of absence to S. H. Brooks, County Treasurer of San Joaquin county.

Mr. McCoun moved that the subject be made the special order for to-morrow at 11 o'clock.

Mr. Burton moved that the same be indefinitely postponed.

Upon which, the ayes and noes were demanded by Messrs. Day, Burton, and McCoun, with the following result:

AYES.

Messrs. Ashley, Burnett, Burton, Cosby, Crandall, Day, Dosh, Fiske, Flint, French, Hook, McCallum, Norman, Shaw, Waite, and Wilson—16.

NOES.

Messrs. De la Guerra, Gove, Hawks, Hawthorne, Lippincott, Mandeville, McCoun, McGee, McNeill, Rust, Scellen, and Westmoreland—12.

So the motion prevailed.

Mr. French presented the following report:

*Mr. President:*

The Select Committee that was appointed to make arrangements with the Postmaster, beg leave to report that they have now a contract, agreeing with him, which is herewith submitted, and recommending the adoption of the same.

A. FRENCH,  
Chairman.

Adopted.

POST OFFICE,  
Sacramento City, Jan. 14, 1866.)

*To Select Committee of Senate on Postages.*

GENTLEMEN:

In reply to your communication in relation to Postages for communications to be received and transmitted from this office for your body, I would say, that all I require is, that the legal rates of postages shall be paid; but inasmuch as there is no money in the Treasury, I will take the responsibility of receiving Controller's Warrants at the market value at the time of settlement. The first settlement to be made on the 15th of March, next. If at any time previous to the aforesaid time of settlement, any moneys shall come into the Treasury which can be used for the payment aforesaid, I would prefer to receive the money.

Very respectfully,

Your obt. servant,

F. FORMAN,  
Postmaster.

Mr. French offered the following resolution:

*Resolved*, That the Sergeant-at-Arms of the Senate be and he is hereby authorized to receipt to the Controller of State for Warrants issued to members of the Senate for their per diem and mileage.

Adopted.

Mr. Lippincott offered the following resolution:

*Resolved*, That G. C. Newman be allowed the usual pay *per diem* for one week's services as door-keeper of the Senate.

Adopted.

According to previous notice, Mr. Barton moved to amend the first Standing Rule of the Senate, by inserting after the word *day*, the words, "after which the Secretary shall proceed to call the roll, and note the absences."

The amendment was adopted.

Mr. French offered the following resolution:

*Resolved*, That the Sergeant-at-Arms of the Senate be required to increase the number of newspapers to five, in all.

Adopted.

Mr. Hawks gave notice that on to-morrow he would move to amend the 27th Standing Rule of the Senate.

Mr. Hawthorne gave notice that, at an early day, he would introduce a bill amendatory of and supplementary to an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State.

On motion of Mr. Mandeville, the Senate adjourned.

---

## IN SENATE.

TUESDAY, January 15, 1856.

Senate met pursuant to adjournment.

Lieut. Governor in the chair.

Prayer by the Rev. Mr. Pratt.

Roll called, and the following Senators found to be absent:

Messrs. Coffroth, Crandall, Ferguson, McCoun, McNeill, Norman, T. Morl, and Westmoreland.

Journal of yesterday read and approved.

Mr. McGee presented the following report:

*Mr. President:*

The Committee on State Prison and Public Buildings, to whom was referred Senate bill No. 5, appropriating money to the use of the State Prison, report the same back, and recommend its passage.

JNO. B. MCGEE,  
Chairman.

Mr. Flint moved that the bill be considered engrossed, read a third time and passed.

Mr. Coffroth moved that it be laid on the table.

Agreed to.

Mr. Coffroth presented the following memorial:

*To the Honorable the Senate and Assembly, of the State of California:*

Your petitioners would respectfully represent, that the License now demanded of us, by the operation of the Revenue Act of the preceding Legislature, is oppressive and ruinous, and if longer enforced, will result in the entire suppression of all Theatrical Performances in the State.

We therefore pray you to abolish said License, or so modify the Law, as to make it possible for us to continue our business.

And we will ever pray.

Signed,

JAMES F. COOK,  
Proprietor of Forrest Theatre.  
KING & RYER,  
Managers and Lessees,  
JAMES F. COOK, for  
JOS. FRENCH,  
Metropolitan Theatre, San Francisco.  
S. C. WATTE,  
Marysville Theatre.  
JNO. S. POTTER,  
Lessee, "  
T. MAGUIRE,  
San Francisco Hall.  
CATHERINE M. SINCLAIR.

On motion, the memorial was referred to the Committee on Finance.

Mr. Lippincott gave notice, that he would at an early day, introduce a bill providing for the construction of an Emigrant Wagon Road.

According to previous notice, Mr. Hawks moved to amend the 27th standing rule of the Senate, by striking out the word "ten," and inserting "eleven," relating to the hour of meeting.

Adopted.

Mr. White gave notice that he would, at an early day, introduce a bill to establish the Boundary line between Nevada and Sierra counties.

Mr. Flint offered the following resolution:

*Resolved,* That the Sergeant-at-Arms be, and is hereby instructed to remove



the Office of Secretary of State, and prepare the room now occupied by that officer for the use of the Enrolling and Engrossing Clerks of the Senate.

Mr. McCallum moved that the resolution be laid on the table.

Carried.

Mr. Rust offered the following resolutions:

*Resolved*, That the Senate employ an Official Reporter, whose duty it shall be to keep a correct Journal of the Proceedings of the Senate, and also a correct Report of all the important Debates; *Provided*, That such Reports shall be published in one or more of the daily papers of this city, free of charge to the State.

*Resolved*, That William Coates be, and is hereby appointed Official Reporter to the Senate.

Adopted.

Mr. Shaw gave notice of the introduction of a bill for an Act to amend an Act entitled an Act to regulate the Settlement of the Estates of Deceased Persons.

Mr. Dash gave notice of an Act to amend an Act entitled an Act, to fix the times for holding the Terms of the District Courts throughout this State, passed May 18, 1853.

Mr. Day offered the following resolution:

*Resolved*, That the Secretary of the Senate be instructed to furnish the State Printer with a certified copy of the Journal of the Senate, on each day, within twelve hours after the same shall have been read and approved. And that the State Printer be directed to print one hundred and fifty copies of each day's Proceedings, for the use of the Senate, and furnish the same to the Sergeant-at-Arms, on the next day after the receipt of the certified copy of each day's Journal.

On motion, referred to the Committee on Printing.

The following message was received from the Assembly:

JANUARY 14, 1856.

Mr. President:

I am directed to inform the Senate, that the Assembly on yesterday concurred in the Senate concurrent resolution, in relation to the appointment of a Committee of two, to prepare Joint Rules for the government of the two Houses, and that Messrs. Upton and Hawes have been appointed the committee on the part of the Assembly.

Respectfully submitted,

J. M. ANDERSON,  
Clerk Assembly.

Mr. Rust offered the following resolution:

*Resolved*, That a Committee of two be appointed for the purpose of providing suitable Apartments for occupancy by the Secretary of State, and the Engraving and Enrolling Clerks.

Adopted.

The Chair appointed Messrs. Rust and Ashley, said committee:

Mr. Burton moved to amend the resolution, by striking out the words "Secretary of State."

Agreed to.

Mr. Bynum presented the following report:

*Mr. President:*

The Committee on Village report the following as the number of miles by the nearest mail route from the residence of each Senator to the place where the session of the Legislature is held, and returning therefrom:

Ashley, - - - - -	640
Burnett, - - - - -	90
Burton, - - - - -	140
Bynum, - - - - -	220
Caffery, - - - - -	250
Crandall, - - - - -	80
Cosby, - - - - -	810
Day, - - - - -	304
De La Guerra, - - - - -	1180
Dosh, - - - - -	450
Ferguson, - - - - -	---
Fiske, - - - - -	120
Frost, - - - - -	280
French, - - - - -	56
Gove, - - - - -	---
Hawks, - - - - -	280
Hawthorne, - - - - -	70
Hietzenman, - - - - -	400
Hook, - - - - -	112
L. Platt, - - - - -	210
Mandeville, - - - - -	230
McConn, - - - - -	320
McClun, - - - - -	130
McGee, - - - - -	300
McNeill, - - - - -	270
Norman, - - - - -	180
Rust, - - - - -	40
Seellen, - - - - -	240
Shaw, - - - - -	280
Tilford, - - - - -	280

Waite,	-	-	-	-	-	-	-	140
Westmoreland,	-	-	-	-	-	-	-	134
Wilson,	-	-	-	-	-	-	-	1392

Mr. Day moved to amend by striking out 304 and inserting 380 as the mileage of the Senator from Santa Clara.

Agreed to.

Mr. Rust moved that the report be laid upon the table.

Lost.

On motion, the report was then adopted.

Leave being granted, Mr. Shaw introduced a bill entitled an Act to amend an Act entitled an Act to regulate the settlement of the Estates of Deceased Persons.

Read a first and second times and referred to the Judiciary Committee.

On motion of Mr. De La Guerra, the Senate took a recess of twenty minutes.

Senate re-assembled.

The Chair called up the special order of the day, being Senate and Assembly resolutions on the subject of electing a United States Senator.

Mr. French offered the following resolution:

*Resolved*, That both Concurrent Resolutions, fixing the time of a Joint Convention, be made the special order for one week from to-day at 12 M.

Upon which, the ayes and noes were demanded by Messrs. Burton, Hawks, and Scellen, with the following result:

AYES.

Messrs. Crandall, Day, De La Guerra, Dosh, Fiske, Flint, French, Gove, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, Tilford, and Wilson—17.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Ferguson, Hawks, Hawthorne, McCallum, McCoun, McGee, Scellen, Waite, and Westmoreland—15.

So the resolution was adopted.

Mr. Mandeville moved to adjourn.

Upon which, the ayes and noes were demanded by Messrs. McCallum, Ashley, and Burton, with the following result.

AYES.

Messrs. Crandall, Dosh, Flint, French, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, Tiltford, and Wilson—13.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Day, De La Guerra, Ferguson, Fiske, Gove, Hawks, Hawthorne, McCallum, McCom, McGee, Scellen, Waite, and Westmoreland—19.

Mr. Norman offered the following resolution:

*Resolved*, That the powers of the Committee of Five, appointed to inquire into the amount and issuance of warrants on behalf of the State Prison, are hereby enlarged so as to authorize and require said Committee to investigate and report upon the legality of issuance and the validity of any and all warrants issued during the year 1855, for the purpose of paying any expenses whatever connected in any manner with the affairs of the State Prison, and to ascertain how many, if any, of such warrants have been paid.

Adopted.

Mr. Hawks moved to adjourn.

Upon which, the ayes and noes were demanded by Messrs. Hawks, Hawthorne, and Coffroth, with the following result:

AYES.

Messrs. Burnett, Bynum, Coffroth, Cosby, Ferguson, Fiske, Hawks, McCallum, and Westmoreland—9.

NOES.

Messrs. Ashley, Burton, Crandall, Day, De La Guerra, Dosh, French, Gove, Hawthorne, Hook, Lippincott, Mandeville, McCom, McGee, McNeill, Norman, Rust, Scellen, Shaw, Tiltford, Waite, and Wilson—22.

Mr. Fiske moved to reconsider the vote on the Concurrent Resolution of Mr. French.

Mr. Norman moved to lay the vote to reconsider on the table.

Mr. Rust moved to indefinitely postpone.

Accepted.

Mr. Norman withdrew the whole motion.



Mr. Mandeville moved to adjourn.

Upon which, the ayes and noes were demanded by Messrs. Hawks, McCallum, and McCoun, with the following result:

## AYES.

Messrs. Crandall, Day, De La Guerra, Dosh, Fiske, Flint, French, Gove, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, Tilford, and Wilson—17.

## NOES.

Messrs. Ashley, Barnett, Burton, Bynum, Coffroth, Cosby, Ferguson, Hawks, Hawthorne, McCallum, McCoun, McGee, Seellen, Waite, Westmoreland, and the President—16.

So the motion was carried, and the Senate adjourned.

R. M. ANDERSON,  
President Senate.

---

IN SENATE.

WEDNESDAY, January 16, 1856.

Senate met pursuant to adjournment.

Lieut. Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Roll called, and the following Senators found to be absent:

Messrs. Cosby, Ferguson, French, Gove and Hawks.

Journal of yesterday read and approved.

The following communication was received from His Excellency, the Governor:

EXECUTIVE DEPARTMENT }  
January 15, 1856. }

*To the Honorable, the Senate and Assembly of the State of California :*

I herewith present a communication in relation to Indian disturbances in the

Northern portion of this State, signed by the Hon. J. D. Cosby, and Walter McDonald, besides by other well known citizens.

It will be seen, that the signers of such petition, request the aid of one Volunteer Company, for the protection of citizens against hostile Indians—but deeming the authority of the Executive, to accede to such request under existing circumstances, at least a matter of doubtful propriety, I would therefore respectfully call your immediate attention to this subject, that you may take such action herein, as a due regard for the best interests of the State, and the protection of her citizens demand, at the hands of the Government.

I would also inform your Honorable bodies, that my predecessor in office, on the 19th instant, issued an order directing thirty men to be called into the service of the State, for the purpose indicated in the petition herein referred to.

The only information however on which this statement is founded, is derived from a memorandum to that effect, in the Order Book of Secretary of State, and I am therefore unable to furnish any additional information as to the action, if any, taken in pursuance of such order.

I have the honor to be,

Very respectfully,

Your ob't servant,

J. NEELY JOHNSON,

Governor.

To his Excellency, J. NEELY JOHNSON,

Governor of the State of California:

We the undersigned, petitioners, do most respectfully urge upon your Excellency's consideration, the dangerous and alarming position of many of the inhabitants of the Northern portion of the State, and more particularly those of the county of Klamath, in the vicinity of Crescent City.

And for the benefit and general safety of our fellow-citizens in that portion of the State, from the aggressions of the numerous hostile Indians, from whom they have already suffered so much, and who are at the present time at open warfare with our citizens.

We therefore, respectfully urge upon your Excellency, the necessity of giving them some immediate and prompt relief; and for that purpose, respectfully petition your Excellency to call out in the service of the State, one Volunteer Company, knowing the same to be necessary, for the protection of the lives and property of its inhabitants.

Hoping your Excellency will give this appeal the prompt and decided action the necessity of the case demands, we have the honor to subscribe ourselves,

Your Excellency's

Most ob't servants,

J. D. COSBY,  
WALTER McDONALD,  
A. G. WHIPPLE,  
C. A. HELLMAN,  
L. D. WATKINS,

Sacramento City, Jan. 10, 1856.

Referred to the Committee on Indian Affairs.

Mr. Burton moved that so much of the Governor's message and accompanying documents, as relate to the State Prison, be referred to the Committee on the State Prison.

Agreed to.

Mr. Cosby offered the following resolution:

*Resolved*, The Assembly concurring, that our Senators in Congress be instructed, and our Members requested to urge upon Congress the immediate passage of a law, appropriating Fifty thousand Stand of Arms to the use of the State of California.

Mr. Hook called for the reading of the following Executive documents, which were accordingly read and referred to the Committee on Indian Affairs:

WAR DEPARTMENT,  
Washington, July 18, 1855. }

Sir—

I have to acknowledge the receipt of your letter of May 12th, transmitting certain statements intending to show the amount of expenses incurred and paid by the State of California, in the suppression of Indian hostilities, for the repayment of which provision has been made by the ninth section of the army appropriation Act, approved August 5, 1855.

The Act directs the Secretary of War to examine into and ascertain the amount of expenses incurred and how actually paid by the State of California.

This requirement cannot, in my opinion, be fulfilled upon evidence showing nothing more than that the State has made certain bonds and warrants for the purpose of satisfying claims of the description specified in the Act, and that these bonds have been issued to certain persons. Under similar circumstances, other States have produced the original bills paid by them, and the Department have thus been enabled at once to see that the charge was one that Congress intended to assume, and that it had been paid.

I cannot so far depart from a practice which I believe has been invariably observed, as to authorize payment to be made to the State of California upon the evidence now tendered.

Very respectfully,  
Your obedient servant,

JEFFERSON DAVIS,  
Secretary of War.

HON. JOHN BIGLER,  
Governor of California.

Mr. French moved that Geo. Chipman be allowed to enter within the bar of the Senate.

Refused.

Mr. Bynum offered the following addition to the report of the Committee on Mileage:

*Mr. President :*

The Committee on Mileage beg leave to state that in their report of the mileage of Senators, submitted and adopted on the 15th instant, they omitted to report the mileage of the Hon. R. M. Anderson, President of the Senate, and now report the number of miles from his residence to Sacramento City, the place where the Legislature is held and returning therefrom, to be 132 miles.

S. BYNUM,  
Chairman.

According to previous notice, Mr. Dosh introduced a bill for an Act entitled an Act to amend an Act entitled an Act to fix the times for holding the terms of the District Court throughout the State, passed May 18, 1853.

Read a first and second time and referred to the Judiciary Committee.

Mr. Flint introduced a bill for an Act entitled an Act to create a Board of Supervisors for the County of San Francisco, and to repeal the law creating the present Board.

Read a first and second time and referred to the San Francisco delegation.

According to previous notice, Mr. Hawthorne introduced a bill for an Act amendatory of and supplementary to an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State.

Read a first and second time and referred to the Judiciary Committee.

On motion, the unfinished business of yesterday was taken up, being a motion of Mr. Fiske to reconsider the vote on the resolution, fixing Tuesday next at 12 o'clock, M., as the special order on the subject of going into Joint Convention, for the election of United States Senator.

Mr. Coffroth moved that the whole subject be laid upon the table.

Carried.

Mr. Coffroth offered the following memorial:

*To the Honorable the Senate and Assembly of the State of California :*

We, the undersigned citizens and now acting Supervisors of Tuolumne county, respectfully represent:

That a County Jail is absolutely necessary for the safe keeping of prisoners in this county, and that this county labors under a great inconvenience for the want of a proper and safe jail.

We therefore pray your honorable body to enact a law authorizing the Board of Supervisors of Tuolumne county to levy and cause to be collected in the



same manner and at the same time as other State and county revenue, an annual Tax not exceeding the sum of one half of one per cent. upon all taxable property in said county, for the erection of a County Jail.

And your petitioners will ever pray, &c.

W. WHITHERILL,  
President.

C. H. BRADBURY,

H. A. WILSON,

J. BROWN,

W. CALVIN,

J. R. A. ROBINSON,

Tuolumne County, ss.

Which, on motion of Mr. Coffroth, was referred to Mr. Mandeville of the Tuolumne delegation.

Mr. Dosh gave notice that he would, at an early day, introduce an Act to amend an Act entitled, an Act to provide for the incorporation of Wagon Road Companies.

Mr. Westmoreland offered the following resolution:

*Resolved*, That the Judiciary Committee be authorized to procure a room for their use as said Committee.

Adopted.

Mr. Coffroth moved to take from the table Senate bill No. 5, an Act to appropriate money to the use of the State Prison.

Agreed to.

Mr. Lippincott moved a reconsideration of the vote by which the resolution was passed, making the subject of the election of a U. S. Senator the special order for Tuesday next, at 12 o'clock, M.

Mr. Coffroth moved that the Senate adjourn.

Upon which, the ayes and noes were demanded by Messrs. Coffroth, Mandeville, and Seelen, with the following result:

#### AYES.

Messrs. Burnett, Bynum, Coffroth, Cosby, Fay, De la Guerra, Ferguson, Hawthorne, McCallum, McCoun, McGee, McNeil, Rust, Seelen, Westmoreland, and Wilson—16.

#### NOES.

Messrs. Ashley, Burton, Crandall, Dosh, Fiske, Flint, French, Gove, Heck, Lippincott, Mandeville, Norman, Shaw, Tilford, and Waite—15.

So the Senate adjourned.

R. M. ANDERSON,  
President of Senate.

Attest:

WM. BAUSMAN, Sec'y Senate.

---

## IN SENATE.

THURSDAY, January 17, 1856.

Senate met pursuant to adjournment.

Leut. Governor in the chair.

Prayer by Rev. Mr. Pratt.

Roll called, and the following Senators found to be absent:

Messrs. Hawks and Lippincott.

Journal of yesterday read and approved.

Mr. Ferguson, from the Judiciary Committee, to whom was referred Senate bill No. 2, to provide for a Special Term of the Fourteenth Judicial District Court in the County of Sierra, offered the following report:

*Mr. President:*

The committee, to whom was referred the above bill, have had the same under advisement, and after deliberation, respectfully represent: that they have become aware of the importance, indeed of the necessity, of passing some bill of this character; inasmuch as the citizens of that county have, for some time past, had no term of the District Court held in that county.

The committee, however, are of opinion, that the bill first introduced is liable to the objection of unconstitutionality; in this, that it gives the Judge of that judicial district something of a discretionary power as to the time of holding said session, while your committee incline to the opinion, that the time of holding sessions of this Court, can only be fixed by the Legislature.

They, therefore, report a substitute, removing the evil alluded to, and not liable to the above objection, which they respectfully recommend to the attention of the Senate, and urge its passage.

W. I. FERGUSON,  
Chairman.

On motion of Mr. Burton, the substitute reported by the committee was read a third time and passed.

Mr. Hook, from a select committee, reported the following Joint Rules:

## JOINT RULES AND ORDERS OF THE SENATE AND ASSEMBLY.

### I.

In every case of an amendment of a bill, agreed to in one House and dissented to in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer; such committee shall, at a convenient hour to be agreed on by their chairman, meet in the conference chamber, and state to each other, verbally or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.

### II.

When a message shall be sent from either House, it shall be announced at the door by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

### III.

Messages shall be sent by the Secretary, Clerk, or by such person as a sense of propriety in each House may determine to be proper.

### IV.

While bills are on their passage between the two Houses, they shall be on paper, and under the signature of the Secretary or Clerk of each House, respectively.

### V.

After a bill shall have passed both Houses, it shall be duly enrolled by the Clerk of the Assembly, or the Secretary of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the Governor of the State.

### VI.

When bills are enrolled, they shall be examined jointly by the Enrolling Committees of the Senate and the Assembly, appointed as standing committees, for that purpose, who shall carefully compare the Enrolled with the Engrossed bill as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to their respective Houses.

After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the Assembly, then by the President of the Senate.

## VIII.

After a bill shall have thus been signed in each House, it shall be presented by the said Committees to the Governor of the State, for his approval, it being first endorsed on the back of the roll, certifying in which House the same originated, which endorsement shall be signed by the Secretary or Clerk, as the case may be, of the House in which the same originated, and shall be entered in the Journals of each House. The said committee shall report the day of presentation to the Governor, which time shall also be carefully entered on the Journals of each House.

## IX.

All orders, resolutions, and votes, which are to be presented to the Governor of the State for his approbation, shall also, in the same manner, be previously enrolled, examined, and signed, and shall be presented in the same manner, and by the same committee, as provided in the case of bills.

## X.

When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his Audience Chamber, by the President of the Senate, in the presence of the Speaker, and both Houses.

## XI.

When a bill or resolution which shall have passed in one House is rejected by the other, notice thereof shall be given to the House in which the same shall have passed.

## XII.

When a bill or resolution which has been passed in one House shall be rejected in the other, it shall not be brought in during the same session without a notice of five days, and leave of two-thirds of that House in which it shall be renewed.

## XIII.

Each House shall transmit to the other all papers on which any bill or resolution shall be founded.

## XIV.

After each House shall have once adhered to their disagreement, a bill or resolution shall be lost.

## XV.

No rule or resolution that shall have passed the Assembly and Senate shall be presented to the Governor for his approval on the last day of the session.



XVI.

No appropriations of money, for any purpose whatever, shall be made, except by bill.

XVII.

No spirituous liquors shall be offered for sale, or exhibited within the Capitol or Public Grounds adjacent thereto.

Accepted, considered engrossed, and ordered printed.

The following communication was received from his Excellency the Governor:

EXECUTIVE DEPARTMENT, }  
January 16, 1856. }

*To the Hon. the Senate of California:*

I do hereby nominate and appoint (subject to the approval of your honorable body,) Geo. W. Ryder as Port Warden for the port of San Francisco, in the place of George Simpson resigned, and I also revoke and withdraw any nomination or appointment heretofore made to supply such vacancy, and respectfully ask the concurrence of the Senate in such first mentioned nomination.

I have the honor to be  
Very respectfully  
Your obd't servant,

J. NEELY JOHNSON.

Upon motion laid upon the table.

According to previous notice, Mr. Shaw introduced a bill entitled an Act to quiet Land Titles in this State, and for other purposes concerning Real Property.

Read a first and second time and referred to Committee on Public Lands.

Mr. Coffroth moved that 300 copies of the bill be printed.

Mr. Ashley moved to amend by inserting 240 copies.

Adopted.

Mr. Gove gave notice that he would, at an early day, introduce a bill amendatory of an Act entitled an Act to provide Revenue for the support of this State, passed May 15, 1854, and amended April 27, 1855.

According to previous notice, Mr. Hawthorne introduced a bill for an Act to authorize the working of Convicts in Placer County.

Read first and second times and referred to Judiciary Committee.

According to previous notice, Mr. Fiske introduced a bill for an Act entitled an Act to amend an Act to provide for the protection of Foreigners and define their liabilities and privileges, passed March 30, 1853.

Read a first and second time and referred to the Committee on Mines and Mining Interests.

On motion, the unfinished business of yesterday was taken up, being the following resolution:

*Resolved*, (The Assembly concurring) That our Senators in Congress be instructed and our Members requested to urge upon Congress the immediate passage of a law appropriating fifty thousand stand of arms to the use of the State of California.

On motion, the resolution was referred to the Committee on Military Affairs.

Mr. French moved to take from the table the special order for Tuesday next at 12 o'clock M.

Agreed to.

Mr. Fiske withdrew his motion to reconsider the vote on the special order.

Mr. Westmoreland gave notice that he would, in a short time, bring forward a bill regulating the mining property of this State, and defining the duties, rights and privileges of miners.

Mr. Rust, from the Special Committee appointed to procure rooms for Engraving and Enrolling Clerks of the Senate, reported verbally that the only room suitable for their uses, was the one situated in the southeast basement of the Capitol Building.

Mr. Ashley gave notice that he would introduce an Act to provide for a compilation and digest of the General Statutes of this State.

Mr. Ashley offered the following resolution:

*Resolved*, That a committee of three be appointed to procure suitable rooms for the use of the Committees and Clerks of the Senate; *provided*, the arrangements made by this committee shall not be binding until approved by the Senate.

Mr. French moved to amend, by excepting the Judiciary Committee from the terms of the resolution.

Adopted.

Mr. Tilford gave notice that he would, to-morrow, introduce into the Senate a bill for an Act amendatory and supplementary to the Act concerning the Office of Reporter, passed April 13, 1850.

On motion of Mr. Hawthorne, the Senate adjourned.

R. M. ANDERSON,  
President of Senate.

Attest:

W. BAUSMAN, Sec'y Senate.

---

IN SENATE.

FRIDAY, January 18, 1856.

Senate met pursuant to adjournment.

Lieut. Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Roll called and the following Senators found to be absent:

Messrs. Ferguson and Norman.

Journal of yesterday read and approved.

Mr. McCallum presented the following report:

*Mr. President :*

The Committee on Engrossment, to whom was referred the Standing Rules and Orders of the Senate, having examined the same, would report that the said Rules and orders are correctly engrossed.

Accepted.

*Mr. President:*

The Military Committee, to whom was referred the resolution asking Congress to vote 50,000 stand of arms to the use of the State, report the same back.

On motion, it was passed.

The following communication was received from his Excellency, the Governor:

EXECUTIVE DEPARTMENT, }  
 Sacramento, Jan. 18, 1856. }

*To the Hon. the Senate of the State of California :*

Herewith I transmit the Report and Appendix of the Hon. Paul K. Hubbs, Superintendent of Public Instruction, being the fifth Annual Report from the Department over which he presides.

I am respectfully,  
 Your obedient serv't

J. NEELEY JOHNSON.

On motion, the report accompanying the communication was referred to the Committee on Education.

Mr. McCoun moved to take from the table the communication of his Excellency, the Governor, appointing a Port Warden for the Port of San Francisco.

On motion of Mr. Hawks, the Senate went into executive session for the consideration of the same.

Mr. Lippincott moved that the subject be made the special order for Monday next, at 12 o'clock, M.

Upon which, the ayes and noes were demanded by Messrs. Hawks, McCoun, and Mandeville, with the following result:

AYES.

Messrs. Crandall, Day, Dosh, French, Gove, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, and Tilford—13.

NOES.

Messrs. Burnett, Burton, Bynum, Coffroth, Cosby, Ferguson, Fiske, Flint, Hawks, Hawthorne, McCallum, McCoun, McGee, Scellen, Waite, Westmoreland, and Wilson—18.

So the motion was lost.

Mr. Rust moved that it be made the special order for to-morrow at 12 o'clock.

Upon which, Mr. Hawks demanded the previous question.

Sustained.

And the the question being, " Shall the main question be now put?"

It was sustained.



The question recurring upon making the motion the special order for to-morrow, it was lost.

The nomination of Mr. Ryder was then confirmed by the following vote:

AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Crandall, Day, De la Guerra, Ferguson, Flint, Fiske, Hawks, Hawthorne, Hook, McCallum, McCoun, McGee, Scellen, Waite, Westmoreland, and Wilson—22.

NOES.

Messrs. Dosh, Lippincott, Mandeville, McNeill, Norman, Shaw, and Tilford—9.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed a Concurrent Resolution in relation to the suppression of Indian hostilities on the northern frontier of the State, in which the concurrence of the Senate is requested. The resolution is herewith submitted.

Also, have passed Senate bill No. 1, an Act to amend an Act concerning the office of County Recorder of the County of San Francisco.

Respectfully submitted,

J. M. ANDERSON,  
Clerk Assembly.

*Resolved*, (by the Assembly the Senate concurring,) That his Excellency the Governor be requested to act in accordance with the petition sent to him, to call out in the service of the State of California one independent Volunteer Company, not to exceed fifty men, for the better protection of the lives and property of our citizens in the northern portion of the State, and to co-operate with other troops in the field, in the suppression of Indian hostilities and difficulties.

Mr. Hawks moved that the Senate concur in the resolution just read.

Carried.

The chair appointed Messrs. Ashley, Burton and Rust a committee, in compliance with the terms of Mr. Ashley's resolution, adopted yesterday, in relation to the procurement of Committee rooms.

Mr. Ashley offered the following amendments to the Constitution of California:

## PROPOSED AMENDMENTS TO THE CONSTITUTION OF THE STATE OF CALIFORNIA.

*Resolved*, (the Assembly concurring,) The Legislature of the State of California, at its sixth session, commenced on the first day of January, A. D. 1855, having by the required constitutional majority proposed the amendments herein-after set forth, and the same having been referred to the present Legislature, and having been published for three months next preceding the last general election, as required by the Constitution. Now the Legislature of the State of California, at its seventh session, commenced on the seventh day of January, A. D. 1856, does hereby agree to and adopt as amendments to the present Constitution of this State, the following:

### AMENDMENT 1.

Section 2 of Article 4 is amended so as to read as follows:

Sec. 2. The sessions of the Legislature shall be biennial, and shall commence on the first Monday of January next ensuing the election of its members; unless the Governor of the State shall in the interim convene the Legislature by proclamation.

### AMENDMENT 2.

Section 3 of Article 4 is amended so as to read as follows:

Sec. 3. The members of the Assembly shall be chosen by the qualified electors of their respective districts, on the first Wednesday of September, 1857, unless otherwise ordered by the Legislature, and biennially thereafter, and their term of office shall be two years.

### AMENDMENT 3.

Section 5 of Article 4 is amended so as to read as follows:

Sec. 5. Senators shall be chosen for the term of four years, at the same time and place as members of the Assembly, and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State two years, and of the county or district for which he shall be chosen one year next preceding his election.

### AMENDMENT 4.

Section 6 of Article 4 is amended so as to read as follows:

Sec. 6. The number of Senators shall not be less than one-third, nor more than one-half of members of the Assembly; and at the first session of the Legislature after this amendment takes effect, Senators shall be divided by lot, as equally as may be, in two classes. The seats of the Senators of the first class shall be vacated at the expiration of two years, so that one-half, as nearly as may be, shall be chosen biennially.

## AMENDMENT 5.

Section 2 of Article 10 is amended so as to read as follows.

Sec. 2. And at any time two-thirds of the Senate and Assembly shall think it necessary to revise and change this entire Constitution, they shall recommend to the electors at the next election of members of the Legislature, to vote for or against a Convention, and if it shall appear that a majority of the electors voting at such election, have voted in favor of calling a Convention, the Legislature shall, at its next session, provide by law for calling a Convention, to be holden within six months after the passage of such law; and such Convention shall consist of a number of members, not less than that of both branches of the Legislature.

The Constitution that may have been agreed upon and adopted by such Convention shall be submitted to the people at a special election, to be provided for by law, for their ratification or rejection. Each voter shall express his opinion, by depositing in a ballot box a ticket, whereon shall be written or printed, the words, "For the new Constitution," or "Against the new Constitution."

The returns of such election shall, in such a manner as the Convention shall direct, be certified to the Executive of the State, who shall call to his assistance the Controller, Treasurer, and Secretary of State, and compare the votes so certified to him. If by such examination, it be ascertained that a majority of the whole number of votes cast at such election be in favor of such new Constitution, the Executive of this State shall, by his proclamation, declare such new Constitution to be the Constitution of the State of California.

## AMENDMENT 6.

Section 3 of Article 11 of the Constitution of the State of California is hereby amended so as to read as follows:

Sec. 3. Members of the Legislature, and all officers elected or appointed, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

I, ———, do solemnly swear, that I will faithfully discharge and perform all the duties incumbent on me, as ———, agreeably to the Constitution of the United States, and of this State, and that since the adoption of this amendment to the Constitution, I have not fought a duel with deadly weapons, within this State, or out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, or aided, or advised, or assisted any person thus offending—so help me God.

And no other oath, declaration or test, shall be required as qualification for any office of public trust.

And all the foregoing proposed amendments shall be submitted to the people, in such manner, and at such times, as the Legislature may hereafter prescribe.

On motion of Mr. Mandeville referred to the Judiciary Committee:

Mr. Ferguson presented the following report:

*Mr. President :*

The Committee on the Judiciary, to whom was referred Senate bill No. 6, an Act to amend an Act entitled an Act to regulate the Estates of Deceased Persons, respectfully report, that they have had the same under consideration, and recommend its passage.

W. I. FERGUSON,  
Chairman.

The bill accompanying the report was considered engrossed, read a third time and passed.

Mr. Fiske presented the following petition:

*To the Honorable the Senate and Assembly of the State of California :*

The undersigned, citizens and residents of California, respectfully pray for the repeal of an Act entitled an Act to discourage the emigration to this State of persons who cannot become citizens thereof—approved April 28, 1855.

Also, of an Act entitled an Act to amend an Act to provide for the protection of Foreigners, and to define their Liabilities and Privileges, passed March 30, 1853, approved April 30, 1855, for the reason that they believe the same to be prejudicial to the interests of all classes of community, and oppressive to the Chinese residents of the State.

And as in duty bound, your petitioners will ever pray, &c., &c.

Referred to Committee on Mines and Mining Interests.

According to previous notice, Mr. Tilford introduced a bill to be entitled, an Act amendatory and supplementary to the Act, concerning the office of Reporter, passed April 13, 1850.

Read a first and second time, and referred to the Judiciary Committee.

On motion, the Senate adjourned.

R. M. ANDERSON,  
President of Senate.



IN SENATE.

SATURDAY, January 19, 1856.

Senate met pursuant to adjournment.

Lieut. Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Roli called and the following Senators found to be absent:

Messrs. Ferguson, Hawks, Hawthorne, Lippincott, Norman and Westmoreland.

Journal of yesterday read and approved.

Mr. French offered the following resolution:

*Resolved*, That the Hon. Judges of the Supreme Court are requested to report to the Senate all Acts and parts of Acts that conflict with the provisions of the Constitution of this State, and recommend such Acts as will be necessary in stead thereof, and also recommend the passage of such laws as their judicial experience may suggest to be proper and just.

On motion of Mr. Shaw, the resolution was referred to a Select Committee of three.

The Chair appointed Messrs. French, Rust and Coffroth said Committee.

Mr. Hook offered the following resolution:

*Resolved*, That the Governor be and is hereby requested to inform the Senate what has been done under the authority of an Act to provide for the survey and construction of a Wagon Road over the Sierra Nevada Mountains, passed April 28, 1855, and such information in relation to the letting of the contract for the construction of said road as may be in his possession.

Adopted.

Mr. Ashley offered the following report:

*Mr. President:*

The committee appointed to procure Committee Rooms, would report, that they have found much difficulty in getting suitable rooms. The most convenient

to be had, are two rooms on J street, between Fourth and Fifth. Those rooms can be had for \$70 per month, cash, or the equivalent of that sum in State Warrants. For this sum the rooms will be kept in order, and fuel furnished. On consideration, your committee advise the renting of said rooms on the terms proposed.

D. R. ASHLEY,  
E. F. BURTON,  
P. C. RUST.

Adopted.

Mr. McCoun offered the following resolution:

*Resolved*, That the Controller of State be requested to report to the Senate the amount of Deficiencies of the year 1855, and the amount necessary to be appropriated for the same.

Adopted.

Mr. Ferguson offered the following report:

*Mr. President :*

The Judiciary Committee, to whom was referred the Senate bill No. 3, entitled a bill for an Act providing for the confinement of Prisoners of the United States, have had the same under consideration, and would respectfully recommend its passage.

W. I. FERGUSON,  
Chairman.

Mr. Shaw moved the bill be considered engrossed, read a third time and passed.

Adopted.

Mr. Ferguson offered the following report:

*Mr. President :*

The Judiciary Committee, to whom was referred Senate bill No. 4, entitled a bill for an Act recommending to the Electors to vote for or against a Convention, to revise and change the Constitution of this State, have had the same under advisement, and they respectfully recommend the same to the Senate for their further consideration.

W. I. FERGUSON,  
Chairman.

Mr. Coffroth moved that the bill be printed, and made the special order for Tuesday, 5th of February next, at 12 M.

Agreed to.

Mr. McCoun presented the following memorial from the State Prison Directors.

*To the Hon. the Senate and Assembly of the State of California :*

It is with unfeigned regret that the undersigned, State Prison Directors, are compelled so soon after being installed in office, to call upon the Legislature for pecuniary aid in order to enable us to execute the duties imposed upon us by the law under which we are acting.

A brief statement of the condition in which we found the Prison and its inmates upon assuming the duties of our office, will be necessary to a full and proper understanding of our present position.

At the time we took charge of the Prison, not more than three days' supplies were on hand, rendering an immediate outlay of money or exercise of credit absolutely indispensable to meet the wants of the Prison.

The credit of the prison is such as to render it impossible to obtain necessary supplies without submitting to exactions which would be ruinous to the interests of the State, and render the support of the Prison onerous in the extreme.

The Directors present the institution to you without means or credit, and having in charge, and looking to the Directors for food and clothing, more than four hundred and eighty persons, including officers, guards, employees and convicts.

Common decency and humanity require that some provision be made by the State for the proper care of those that have been condemned for the violation of her laws.

The Directors do not deem it reputable or humane for a State to punish felons by starvation or by withholding such articles of clothing as will at least hide nakedness and form some protection against the inclemencies of the season.

The Board of Directors would further represent, that the occupation of the convicts has heretofore mainly been making brick, arranging and cutting stone for the San Francisco and other markets. The former business it is impossible to pursue during the rainy season, and the demand for stone during the same season is so slight, that the Directors cannot, with any certainty, calculate upon deriving any revenue from the sale of brick or stone within the coming five months.

The convicts are at present employed in grading the Prison Grounds, and in digging clay for making brick to be used as soon as the season will allow.

So deeply are we impressed with necessity of Legislative aid to relieve us from our present embarrassments, that we feel authorized to briefly recapitulate our situation, and urge, in the most respectful manner, the earliest action of the Legislature upon the subject of this memorial.

We are destitute of supplies with which to meet the daily demands of the Prison.

A large portion of the Convicts, are in immediate want of most common and ordinary articles of clothing.

The Prison has no credit, or only such a credit as will enable the Directors to obtain supplies at double the market prices.

At present we cannot employ Convict labor so as to make it of any value towards the support of the Prison.

Lack of acquaintance with the cost of supporting the Prison, renders it impossible for the Directors to fix the amount of money that should be appropriated to relieve our present and future necessities, but the Directors would state, from the best information they can gain, that the expenses for this year will not fall short of Fifteen thousand dollars per month, we shall not therefore ask for any specific amount as an appropriation, but submit the same to the discretion of your honorable bodies.

The Directors would further represent, that at the present time, there is One hundred and fifty Convicts lodged in one room, so that the erection of a new Prison is absolutely necessary.

A. BELL,  
F. S. McKENZIE,  
E. WILSON,  
State Prison Directors.

Read and referred to the State Prison Committee.

Mr. Ferguson presented the following report:

*Mr. President :*

The Judiciary Committee would respectfully report to the Senate, that the duties of the committee are such, as to require the services of a Clerk, and ask the consent of the Senate to employ one.

W. J. FERGUSON,  
Chairman.

Upon the question of adopting the report, the ayes and noes were demanded by Messrs. Ashley, Hook, and Hamer, with the following result:

AYES.

Messrs. Burnett, Bryant, Casby, Crandall, De La Guerra, Dosh, Ferguson, Fiske, Gann, Hayes, Hawthorne, Lippincott, McCallum, McCann, McGee, Norman, Ruff, Seaton, Shaw, Tiltford, and Westmoreland—21.

NOES.

Messrs. Ashley, Burton, Day, Flint, French, McNeill, Waite and Wilson—10.

The following message was received from the Assembly:

JANUARY 18, 1856.

*Mr. President :*

I am directed to inform the Senate, that the Assembly on yesterday concurred in Senate concurrent resolution, requesting Congress to pass a law appropriating Fifty thousand stand of Arms, to the use of the State.

Also passed Assembly concurrent resolution, instructing the State Treasurer to withhold the payment of the Bonds of State Controller's Warrants, hitherto given in payment for the construction of the Prison Wall, in which the concurrence of the Senate is requested.

Also passed Senate Bill No. 2, entitled an Act to provide for a special term of the Fourth and Juvenile District Court, in the county of Sierra.

Also, have passed a bill to regulate the per diem allowance of Officers of the Senate and Assembly, and to repeal the existing laws relating thereto.



Also, passed an Act to amend an Act entitled an Act, to fix the Terms of the District Courts throughout the State, passed May 18, 1853.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly bill No. 1, an Act to amend an Act entitled an Act to fix the Times of holding the Terms of the District Court throughout this State, passed May 18, 1853.

Read a first and second times, rules suspended, and passed.

Assembly bill No. 5, entitled a bill to regulate the Per Diem allowance of Officers of the Senate and Assembly, and to repeal the existing laws relating thereto.

Read a first time, and objection being made, laid over under the rules.

The following Assembly resolution was concurred in:

*Resolved*, by the Assembly, the Senate concurring, That the State Treasurer be, and is hereby, instructed to withhold payment of the Bonds or State Controller's Warrants heretofore given in payment for the construction of the Prison Wall.

Mr. Ashley offered the following resolutions:

*Resolved*, That the Directors of the State Prison are requested to report to the Legislature, as soon as possible, the condition of the State Prison, the property on hand under their charge, and all contracts or arrangements by them made or adopted, for the supply of provisions and clothing for the prisoners, and the number of guards and employees under pay, with the amount of salaries. Also,

*Resolved*, That the former Board of Directors of the State Prison be requested to report, in full, all contracts and arrangements by them made in relation to the State Prison, and to make a general statement of their acts as such Directors.

Adopted.

Mr. McCallum offered the following report:

*Mr. President :*

The Committee on Engrossment have had under consideration, and find correctly engrossed the Standing Committees of the Senate.

J. G. McCALLUM,  
Chairman

Mr. Rust offered the following resolution:

*Resolved*, That the Sergeant-at-Arms of the Senate is hereby ordered to subscribe for one copy of the *Oriental*, for each member; a newspaper published in San Francisco in the English and Chinese languages.

Lost.

Mr. McConn offered the following resolution:

*Resolved*, by the Senate, that the Sergeant-at-Arms be authorized to procure a Committee Bulletin Board, for the use of the Senate.

Adopted.

Mr. McCallum offered the following report:

*Mr. President :*

The Committee on Engrossment, to whom was referred Senate bill No. 6, an Act to amend an Act entitled an Act to regulate the Settlement of the Estates of Deceased Persons, report that they have examined the same, and find it correctly engrossed.

J. G. McCALLUM,

Chairman.

Mr. Waite, according to previous notice, introduced a bill entitled an Act to amend an Act dividing the State into counties, and establishing the Seats of Justice therein, passed April 25, 1851.

Read a first and second time, and referred to the Committee on Counties and County Boundaries.

Mr. De la Guerra offered the following resolution:

*Resolved*, That the Secretary of State be requested to inform the Senate the cause of the delay in printing the Laws in Spanish, and the reason of their non-delivery.

Mr. Day moved to amend by inserting after the word "Laws," the words, "for the year 1855," which was agreed to.

The resolution, as amended, was adopted.

Mr. Waite gave notice that he would, at an early day, introduce a bill to provide for taking the second census of the State of California.

Mr. Burton gave notice, that at an early day, he would introduce a bill for an Act concerning the Estates of Insane Persons.

On motion of Mr. Coffroth, the Senate adjourned.

R. M. ANDERSON,  
President of Senate.

Attest:

W. BAUSMAN; Sec'y Senate.

IN SENATE.

MONDAY, January 21, 1856.

Senate met pursuant to adjournment.

On motion of Mr. Mandeville, Mr. Rust was called to the chair.

Prayer by Rev. Mr. Pratt.

Roll called, and the following Senators found to be absent:

Messrs. Ashley, Burnett, Bynum, Dosh, Flint, Gove, Norman and Westmoreland.

Journal of Saturday, 19th inst., read and approved.

Mr. Tilford presented the following report:

*Mr. President:*

The Committee on Enrolled Bills have examined and found correctly enrolled the following Acts, viz:

An Act to amend an Act concerning the office of County Recorder of San Francisco County.

Also, an Act to provide for a Special Term of the Fourteenth Judicial District Court in the County of Sierra.

Respectfully,

FRANK TILFORD,  
Chairman.

Mr. McCallum presented the following report:

*Mr. President:*

The Committee on Engrossment, to whom was referred a bill for an Act providing for the confinement of Prisoners of the United States, report that they have examined the Engrossed Act, and find the same to be correctly engrossed.

J. G. McCALLUM,  
Chairman.

Mr. French offered the following resolution:

*Resolved*, That the Secretary of the Senate is hereby required to report to the Senate, the names of all clerks appointed by him, and the date of their appointment.

Adopted.

On motion of Mr. Cosby, leave of absence was granted to Mr. Dosh for two days.

The following communication was received from the Secretary of State:

STATE OF CALIFORNIA, OFFICE OF SECRETARY OF STATE. }  
Sacramento, Jan. 21, 1856. }

*To the Honorable the Senate:*

In answer to the resolution of the Senate, adopted on the 10th instant, requesting the Secretary of State to inform the Senate the cause of the delay in printing the Spanish Laws for the year 1855, and the reason for their non-delivery, I have the honor to forward the enclosed communication from the State Printer, relative to the matter.

Very respectfully,

DAVID F. DOUGLASS,  
Secretary of State.

SACRAMENTO, January 21, 1856.

SIR:

In reply to a resolution of the Senate, requesting information relative to the edition of the Spanish Laws, I have the honor to state that the delay, originally, was caused by the difficulty of finding "compositors" sufficiently acquainted with the Spanish language, to insure the perfect correctness of the work, as well as the difficulty of procuring the "accented" type necessary for its proper performance.

The work of the State Printer upon the Spanish Laws was completed previous to the expiration of his term of office.

The delay in the delivery, since the commencement of the session of the Legislature, has been occasioned by a mistake upon the part of the Binder. I am assured that the work will be ready for delivery on to-morrow.

Respectfully, your ob'dt servant,

B. B. REDDING.

To Hon. DAVID DOUGLASS, Secretary of State.



On motion, the Senate took up Assembly bill No. 5, a bill to regulate the *per diem* allowance of officers of the Senate and Assembly, and to repeal the existing laws relative thereto.

Read a second time and referred to Committee on Claims.

Mr. Burton offered the following resolution:

*Resolved*, (by the Senate, the Assembly concurring,) That a Special Committee of the two Houses be appointed, to consist of two members of the Senate, and three from the Assembly, to wait upon the State Treasurer and request him to withhold payment upon all Warrants issued on account of the State Prison.

Adopted.

The Chair appointed Messrs. Waite and Ashley said committee on part of the Senate.

Mr. Flint moved that a Committee of three be appointed to examine the accounts of the late Attorney General, and report with regard to what amount has been expended out of the thirty thousand dollars appropriated by the last Legislature for the prosecution of Escheated Estates.

The resolution was laid upon the table.

Mr. Hook offered the following resolution:

*Resolved*, (by the Senate, the Assembly concurring,) That the Secretary of State is hereby required to make a correct copy of the Muster Rolls of the different Volunteer Companies called into service for the defence of the State against Indian hostilities, and his Excellency, the Governor, is hereby requested to transmit said Muster Rolls to the Adjutant General of the United States.

Mr. Burton moved to strike out "Secretary of State" and insert the words "Quarter Master General."

Agreed to.

The resolution, as amended, was adopted.

On motion of Mr. Hook, the vote by which the resolution passed was reconsidered.

Mr. Burton withdrew the amendment, and the resolution as originally introduced, was adopted.

Leave being granted, Mr. Mandeville introduced a bill for an Act concerning the salaries of officers and pay of members of the Legislature.

Read a first and second time and referred to the Committee on Claims.

Mr. McCallum gave notice that he would, at an early day, introduce a bill for

an Act amendatory of and supplementary to an Act entitled, an Act concerning the Courts of Justice of this State, and Judicial Officers, passed May 19th, 1853.

Mr. Hawthorne moved to adjourn.

Upon which, the ayes and noes were demanded by Messrs. McCoun, Hook and Mandeville, with the following result:

AYES.

Messrs. Cosby, Day, De la Guerra, Ferguson, Fiske, Flint, Gove, Hawthorne, Hook, Lippincott, Mandeville, McNeill, Norman, Scellen, Shaw, Westmoreland, and Wilson—17.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Crandall, French, Hawks, McCallum, McCoun, Rust, and Waite—12.

So the motion prevailed, and the Senate adjourned.

R. M. ANDERSON,  
President of Senate.

Attest:

W. BAUSMAN, Sec'y Senate.

IN SENATE.

TUESDAY, January 22, 1856.

Senate met pursuant to adjournment.

Lient. Governor in the chair.

Prayer by Rev. Mr. Pratt.

Roll called, and the following Senators found to be absent:

Messrs. Ferguson, McCoun, Tilford, Waite, and Wilson.

Journal of yesterday read and approved.

Mr. Burton offered the following resolution:

*Resolved*, That His Excellency the Governor, be requested to furnish the Senate with any information in his possession, relative to the non-payment of the War Bonds of the General Government.

Adopted.

Leave being granted, Mr. Norman introduced a bill for an Act entitled, an Act to amend an Act entitled an Act, concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

Mr. Ashley offered the following amendment to the bill:

SECTION 6. None of the aforesaid warrants shall be received in payment for School Bonds, nor for Swamp and Overflowed Lands; and all State and County Officers are prohibited from receiving any of the aforesaid warrants in payment of any indebtedness due the State, or in payment for any lands sold by the State.

Accepted.

The bill as amended, was read a first and second time, rules suspended and passed.

Mr. French raised the point of order, that a rule could not be suspended by a two-thirds vote.

The Chair decided the point of order not well taken.

Mr. French appealed from the decision of the Chair; and the question being, "Shall the decision of the Chair stand as the judgment of the Senate?" it was decided in the affirmative.

Decision of the Chair was sustained.

The following report was received from J. W. Denver, formerly Secretary of State:

*To the Honorable, the Senate:*

As required by Section second of the Act, making appropriations to defray the ordinary Civil Expenses of the government of this State, from the first day of February, A. D. 1855, to the first day of February, 1856, passed April 27, 1855, I herewith have the honor to transmit an account of the Contingent Expenses of this office, from the first day of February to the fifth day of November, A. D. 1855, inclusive, the date at which I resigned the office of Secretary of State.

Very respectfully,

J. W. DENVER,  
Late Sec'y of State.

By W. H. R. Wood,  
Deputy.

*Specification of Contingent Expenses of the Office of Secretary of State, for the term 1855, from February 1 to November 5, inclusive.*

May	10,	Paid Dyer & Prescott, for fuel,	-	-	-	-	\$111 53
	12,	" Charles Little, porter to office,	-	-	-	-	196 00
June	7,	" Jacob McKimney, for cleaning up Capitol,	-	-	-	-	96 00
	11,	" Read & Co., rent of office,	-	-	-	-	270 00
July	3,	" F. Forman, for postage,	-	-	-	-	130 00
	5,	" for sprinkling street,	-	-	-	-	30 00
	6,	" for lights, stationery, &c.,	-	-	-	-	119 00
	11,	" Charles Little, for portorage	-	-	-	-	120 00
	27,	" Wells, Fargo, & Co., expressage,	-	-	-	-	17 50
		" George H. Mixen, for drayage in removing office to Capitol,	-	-	-	-	229 00
	33,	" Samuel Young, for storage of Olds' Library,	-	-	-	-	75 00
Sept.	3,	" J. W. Denver, for expenses in attending Boards of Land Commissioners, and moving Hospital,	-	-	-	-	450 00
	8,	" Charles Little, porter,	-	-	-	-	120 00
	15,	" Howard, Borrodaile & Co, for candles.	-	-	-	-	35 31
		" for sprinkling street, and water,	-	-	-	-	50 00
Oct.	1,	" F. Forman, for postage,	-	-	-	-	135 10
	3,	" Chas. Little, as porter,	-	-	-	-	60 00
	30,	" W. T. Crocker, for cleaning up Capitol grounds,	-	-	-	-	40 00
	19,	" Nevett & Co., for stove pipe, blower, and fixing up stove,	-	-	-	-	20 00
	31,	" Charles Little, as porter,	-	-	-	-	60 00
Nov.	2,	" Nevett & Co., for stove pipe, blower, and fixing up stove in Library,	-	-	-	-	25 00
		" for candles, fuel, stationery, &c.,	-	-	-	-	51 70
	5,	" Charles Little, for work about State Library,	-	-	-	-	130 00
Total,							<hr/> \$2,581 14 <hr/>

*Referred to the Committee on Contingent Expenses.*

According to previous notice, Mr. McCalum introduced a bill for an Act to amend an Act entitled an Act concerning the Courts of Justice of this State, and Judicial Officers, passed May 19, 1853.

Read a first and second time, and referred to the Judiciary Committee.

The following communication was received from the Secretary of the Senate:

SENATE CHAMBER, }  
Sacramento, January 22, 1856. }

*To the Honorable the Senate :*

GENTLEMEN—

In reply to the resolution adopted yesterday by the Senate, I would respectfully state, that the Clerks whom I have appointed are Roswell A. Fish. John



S. Lee, George D. Fiske, George C. Hough; and that their active duties commenced on the 8th instant.

I have the honor to be,

Very respectfully,

WM. BAUSMAN,  
Sec'y Senate.

The following communication was received from his Excellency the Governor:

EXECUTIVE DEPARTMENT. )  
January 21, 1856. )

*To the Senate of California:*

In reply to the resolution of inquiry addressed to me on the 19th inst., by direction of your honorable body, in relation to the proceedings had under the law of April 28, 1855, providing for the construction of a Wagon-Road in this State, I beg to say nothing has been done by me or my associates on the Board of Commissioners in relation thereto, since entering upon our respective official duties; and for the want of official data, in fact, the entire absence of any documents or official information in this department, I am at present unable to furnish the information desired, but presuming the office of Surveyor General may supply the required information, I have addressed him a communication on the subject, and will, as soon as practicable, endeavor to lay before you the results of that inquiry.

I have the honor to be,

Your obedient servant,

J. NEELY JOHNSON,

Mr. Scellen moved that so much of the Governor's message, with accompanying documents, as relates to State Land Sales, be referred to a Select Committee of three.

Adopted.

The Chair appointed Messrs. Scellen, Tilford and Hawks said Committee.

The following message was received from the Assembly:

JANUARY 22, 1856.

*Mr. President:*

I am directed to inform the Senate that the Assembly passed on yesterday a concurrent resolution appointing a Committee of three from each House to examine proposals for translating the laws into Spanish, etc., and that Messrs. McGehee, Taylor and Downey were appointed the committee on the part of the House.

The resolution is herewith submitted and the concurrence of the Senate respectfully asked.

J. M. ANDERSON,  
Clerk Assembly.

The hour of 12 o'clock having arrived, the Senate took up the special order, being a concurrent resolution of the Assembly and a concurrent resolution of the Senate, fixing a time for going into Joint Convention for the election of United States Senator.

Mr. Mandeville moved to indefinitely postpone the whole subject.

Upon which Mr. French demanded the previous question.

Sustained.

The question being, "Shall the main question be now put?"

The ayes and noes were demanded by Messrs. Hawks, Scellen and Hawthorne with the following result:

AYES.

Messrs. Crandall, Day, De La Guerra, Dosh, Fiske, Flint, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, Tilford and Wilson—18.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Ferguson, Hawks, Hawthorne, McCallum, McCoun, McGee, Scellen, Waite and Westmoreland—15.

So the motion prevailed.

The question recurring on the motion to indefinitely postpone, the ayes and noes were demanded by Messrs. McCoun, Hawks, and Coffroth, with the following result:

AYES.

Messrs. Crandall, Day, De la Guerra, Dosh, Fiske, Flint, French, Gove, Hawks, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, Tilford, and Wilson—19.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Ferguson, Hawthorne, McCallum, McCoun, McGee, Scellen, Waite and Westmoreland—14.

So the motion prevailed.

Mr. Hawks gave notice that on to-morrow he would move a re-consideration of the vote just taken.

Mr. French moved that the vote be now re-considered.

The Chair decided the motion of Mr. French out of order.

Mr. French appealed from the decision of the Chair.

And the question being, "Shall the decision of the Chair stand as the judgment of the Senate," the ayes and noes were demanded by Messrs. Hawks, Scellen, and Waite, with the following result:

AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Cofforth, Cosby, Day, De la Guerra, Dosh, Ferguson, Fiske, Gove, Hawks, Hawthorne, Heintzelman, Lippincott, McCallum, McCoun, McGee, McNeill, Scellen, Telford, Waite, Westmoreland, and Wilson—25.

NOES.

Messrs. Crandall, Flint, French, Norman, Rust, Shaw—6.

So the question was decided in the affirmative, and the decision of the Chair was sustained.

On motion of Mr. Hawks, the Senate adjourned.

R. M. ANDERSON,  
President of Senate.

Attest:

WM. BAUSMAN, Sec'y. Senate.

---

IN SENATE.

WEDNESDAY, January 23, 1856.

Senate met pursuant to adjournment.

President *pro tem.* in the chair.

Prayer by the Rev. Mr. Pratt.

Roll called and Mr. McCoun found to be absent.

Journal of yesterday read and approved.

The following resolution, from the Assembly, received on yesterday, was taken up.

*Resolved*, That a Committee of three from each House be appointed to examine proposals for translating the laws into Spanish, &c, and that Messrs. McJee, Taylor, and Downey, be appointed the Committee on the part of the House.

Adopted.

The Chair appointed Messrs. Ashley, McGee, and Westmoreland, the Committee on the part of the Senate.

Mr. Mandeville offered the following resolution:

*Resolved*, That the Sergeant-at-Arms is instructed to furnish to reporters with two copies of all printed bills and other documents ordered printed by the Senate.

Adopted.

Mr. Coffroth moved that the Committee on Rooms procure an office for the Lieut. Governor.

Adopted.

Mr. Hawks, according to previous notice, moved a re-consideration of the vote taken yesterday on the special order of the day.

Mr. Ferguson moved to lay the motion to re-consider on the table.

Mr. Coffroth moved a call of the Senate.

Upon which, the ayes and noes were demanded by Messrs. De la Guerra, Hawks, and McCoun, with the following result:

#### AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, De la Guerra, Dosh, Ferguson, Hawthorne, McCallum, McCoun, McGee, McNeill, Sellen, Waite, and Wilson—16.

#### NOES.

Messrs. Coffroth, Crandall, Day, Fiske, Flint, French, Gove, Hawks, Heintzelman, Hook, Lippincott, Mandeville, Norman, Rust, Shaw, Tiltord, and Mr. President—17.

So the motion was lost.

On Mr. Ferguson's motion to lay the subject on the table, the ayes and noes were demanded by Messrs. Coffroth, Ferguson, and Ashley, with the following result:



## AYES.

Messrs Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Ferguson, Hawthorne, Hawks, McCallum, McCoun, McGee, Scellen, Waite and Westmoreland—15.

## NOES.

Messrs. Crandall, Day, De la Guerra, Dosh, Fiske, Flint, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, Tilford, and Wilson—18.

So the motion was lost.

Mr. Coffroth moved to make the motion to reconsider, the special order of the day for Tuesday next, at 12 o'clock, M.

Mr. Lippincott demanded the previous question.

Not sustained.

Mr. Coffroth raised the point of order that, as the previous question had not been sustained, the whole subject laid over until to-morrow.

The Chair ruled that the point of order was not well taken.

Mr. French moved that the motion to make the subject the special order, be indefinitely postponed.

Mr. Mandeville demanded the previous question.

The Chair decided Mr. French's motion to indefinitely postpone, out of order.

The question recurring upon the motion to make the question of reconsideration the special order for Wednesday next, the ayes and noes were demanded by Messrs. McCoun, Hawks, and Ferguson, with the following result:

## AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Ferguson, Hawks, Hawthorne, McCallum, McCoun, McGee, Scellen, Waite, and Westmoreland—15.

## NOES.

Messrs. Crandall, Day, De la Guerra, Dosh, Fiske, Flint, French, Gove, Heintzelman, Hook, Lippincott, McNeill, Norman, Rust, Shaw, Tilford, and Wilson—18.

So the motion was lost.

Mr. Mandeville moved to indefinitely postpone the whole subject, and demanded the previous question.

Mr. McCallum moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Hawks, McCallum, and McCoun, with the following result:

AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Ferguson, Fiske, Hawks, Hawthorne, McCallum, McCoun, McGee, Scellen, Waite, and Westmoreland—16.

NOES.

Messrs. Crandall, Day, De la Guerra, Dosh, Flint, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, Tilford, and Wilson—17.

So the Senate refused to adjourn.

Mr. Coffroth moved to lay the whole subject matter upon the table.

Mr. Mandeville raised a point of order—that there being a demand for the previous question prior to the Senator making his motion to lay the whole subject matter upon the table; and inasmuch as the demand for the previous question was pending, when the motion to lay upon the table was made, hence the motion to lay upon the table was out of order.

The President overruled the point of order.

Mr. Mandeville appealed from the decision of the Chair.

And the question being, "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded by Messrs. McCallum, Hawks, and Coffroth, with the following result:

AYES.

Messrs. Ashley, Burnett, Bynum, Coffroth, Cosby, Ferguson, Hawks, Hawthorne, McCallum, McCoun, McGee, Scellen, and Westmoreland—13.

NOES.

Messrs. Burton, Crandall, Day, De la Guerra, Dosh, Fiske, Flint, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, Tilford, Waite, and Wilson—20.

So the decision of the Chair was overruled.

Mr. Ashley moved a call of the Senate.

Upon which the ayes and noes were demanded by Messrs. Ashley, McCallum, and Ferguson, with the following result:

AYES.

Messrs Ashley, Bynum, Ferguson, Hawks, McCoun, McGee, Scellen, and Westmoreland—8.

NOES.

Messrs. Burton, Cosby, Crandall, Day, De la Guerra, Dosh, Fiske, Flint, French, Gove, Hawthorne, Heintzelman, Hook, Lippincott, Mandeville, McCallum, McNeill, Norman, Rust, Shaw, Tilford, Waite, and Wilson—23.

So the motion was lost.

Mr. Mandeville demanded the previous question.

Sustained.

The question being, "Shall the main question be now put?" the ayes and noes were demanded by Messrs Coffroth, McCoun and McCallum, with the following result:

AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Ferguson Hawks, Hawthorne, McCallum, McCoun, McGee, Scellen, Waite and Westmoreland—15.

NOES.

Messrs. Crandall, Day, De la Guerra, Dosh, Fiske, Flint, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, Tilford and Wilson—18.

So the motion prevailed.

The main question being the indefinite postponement of the motion to reconsider, the ayes and noes were demanded by Messrs. Hawks, McCoun and McCallum, with the following result:

AYES.

Messrs. Crandall, Day, De la Guerra, Dosh, Flint, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, Tilford and Wilson—17.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Ferguson, Fiske, Hawks, Hawthorne, McCallum, McCoun, McGee, Scellen, Waite and Westmoreland—16.

So the motion to indefinitely postpone was sustained.

The following message was received from the Assembly:

January 23, 1856.

*Mr. President :*

I am directed to inform the Senate that the Assembly passed on the 22d inst., a concurrent resolution in relation to a Joint Convention, on Saturday the 26th inst., at 2 o'clock, P. M., for the purpose of electing a U. S. Senator.

The resolution is herewith submitted and the concurrence of the Senate requested.

J. M. ANDERSON,  
Clerk of Assembly

*Resolved,* (by the House the Senate concurring,) That both Houses meet in Joint Convention, on Saturday the 26th inst., at 2 o'clock, P. M., for the purpose of electing a United States Senator, to fill the place of the Hon. Wm. M. Gwinn, whose term of office expired on the 4th of March, 1855.

Mr Lippincott offered the following substitute to the Assembly concurrent resolution:

*Whereas,* The Senate deem the election of a United States Senator, during the present session of the Legislature, inexpedient and contrary to the wishes of the majority of the people of the State of California, and the further agitation of the question is not only unnecessary, but only calculated to divert the attention of the Senate from useful legislation, therefore be it

*Resolved,* That the consideration of the whole subject matter of a Joint Convention of the two Houses of the Legislature, for the election of a United States Senator to succeed the Hon. Wm. Gwinn, whose term of office expired on the 3d day of March, 1855, and all resolutions or bills of any character, which have already passed, or may hereafter pass, relating to said Convention, originating either in this body or the Assembly, be postponed to the 1st day of January, 1857.

*Resolved,* That the Secretary of the Senate is hereby instructed to communicate the passage of this resolution forthwith to the House of Assembly.

Mr Coffroth moved to make the substitute the special order for Wednesday next, at 12 o'clock, M.

The following message was received from the Assembly:

JANUARY 23, 1856.

*Mr. President :*

I am directed to inform the Senate, that the Assembly passed this day a concurrent resolution in relation to certain amendments to the Constitution. The



resolution is herewith submitted, and the concurrence of the Senate respectfully requested.

Respectfully,

J. M. ANDERSON,  
• Clerk of Assembly.

*Resolved*, By the Assembly, the Senate concurring, That the amendments to the Constitution of this State, proposed and signed by the constitutional majority of the Senate and Assembly, during the legislative session of 1855, and published for three months next preceeding the election of the members of this Legislature, be agreed to and made a part of the Constitution of the State of California.

On the motion of Mr. Coffroth to make the substitute the special order for Wednesday next,

Mr. Norman demanded the previous question.

Not sustained.

Mr. McCallum moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. French, Rust and Mandeville, with the following result :

AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Ferguson, Fiske, Hawks, Hawthorne, McCallum, McCoun, McGee, Scellen, Waite and Westmoreland—16.

NOES.

Messrs. Crandall, Day, De la Guerra, Dosh, Flint, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, Tilford and Wilson—17.

So the Senate refused to adjourn.

Mr. Rust demanded the previous question on the adoption of the substitute.

Sustained.

And the question being on the adoption of the substitute, the ayes and noes were demanded by Messrs. French, Mandeville and Heintzelman, with the following result :

AYES.

Messrs. Crandall, Day, De la Guerra, Dosh, Fiske, Flint, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McCallum, McNeill, Norman, Rust, Shaw, Tilford and Wilson—19.

## NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Ferguson, Hawks, Hawthorne, McCoun, McGee, Seellen, Waite and Westmoreland—14.

So the substitute offered by Mr. Lippincott was adopted.

Mr. McCallum gave notice that he would, on to-morrow, move a re-consideration of the vote just taken.

The question recurring on the final passage of the substitute.

It was carried.

Mr. Lippincott moved to re-consider the vote just taken.

Mr. Mandeville moved to indefinitely postpone the motion to re consider.

Upon which the ayes and noes were demanded by Messrs. Mandeville, Hawks and French with the following result:

## AYES.

Messrs. Crandall, Day, De La Guerra, Dosh, Fiske, Flint, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McCallum, McNeill, Norman, Rust, Shaw, Tilford and Wilson—19.

## NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Ferguson, Hawks, Hawthorne, McCoun, McGee, Seellen, Waite, and Westmoreland—14.

So the motion to indefinitely postpone was carried.

Mr. McCallum gave notice that he would move a reconsideration of the vote just taken on to-morrow.

The Chair ruled the motion out of order.

Mr. Coffroth moved to adjourn.

Upon which the ayes and noes were demanded, with the following result

## AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Ferguson, Fiske, Hawthorne, Hawks, McCallum, McCoun, McGee, Seellen, Waite, and Westmoreland—16.

## NOES.

Messrs. Crandall, Day, De la Guerra, Dosh, Flint, French, Gove, Heintzel-

man, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, Tilford, and Wilson —17.

So the Senate refused to adjourn.

After some discussion, on motion, the Senate adjourned.

R. M. ANDERSON,  
President of Senate.

Attest:

W. BAUSMAN, Sec'y Senate.

### IN SENATE.

THURSDAY, January 24, 1856.

Senate met pursuant to adjournment.

Mr. Ashley, President pro tem., in the Chair.

Prayer by the Rev. Mr. Pratt.

Roll called, and the following Senators found to be absent :

Messrs. Day, De La Guerra and McGee.

Journal of yesterday read and approved.

Mr. Coffroth presented the following petition :

*To the Honorable Senators and Representatives of the Legislature of the State of California :*

The Petition of L. Quint, of the county of Tuolumne, State of California, respectfully represents to your honorable body, that, heretofore, to wit, on the 24 day of December, A. D. 1851, your petitioner became one of the bondsmen of H. R. Swope, the Sheriff of said Tuolumne county, for the faithful performance of his duties as such Sheriff. That your petitioner left the State of California on the first of October, 1853, on a visit to the Atlantic States, and remained absent until the following March. That during the absence of your petitioner, the said Swope acted as Collector of State and County Taxes within and for said county of Tuolumne. That soon after your petitioner returned, he learned that the monthly settlements, required by law of the Sheriff, with the Auditor of said county, had not been made during his absence ; and on a settle-

ment or examination of the books, the said Sheriff appeared to be defaulter on State and County Taxes collected, in the sum of thirteen thousand one hundred and twelve dollars and twelve cents, (\$13 112 12) That as soon as it was ascertained that he was a defaulter, as aforesaid, or very soon thereafter, the said Swope left the State of California, leaving no means wherewith to pay any part of said defalcation. That the other sureties on said bond as your petitioner, is informed and believes, are wholly irresponsible and unable to pay any part of said defalcation for which they are jointly and severally liable with your petitioner. Your petitioner further represents that he is unable to pay the full amount of said defalcation; that he has not the means so to do, or property out of which it can be made, but that he is willing to pay his proportion of said defalcation, amounting to near three thousand dollars, (\$3,000,) which is as much as he can or is able to pay. Wherefore, your petitioner prays for the interposition of your honorable body, and that you will grant him relief from further liability on said bond, after paying in full his proportion of said defalcation.

And as in duty bound, petitioner will ever pray, &c.

L. QUINT.

Sworn and subscribed before me this 19th day of January, 1856.

H. P. BARBER,  
Notary Public.

STATE OF CALIFORNIA, }  
Stanislaus County. }

I, MARK C. WALWORTH, Auditor of the aforesaid county and State, do hereby certify that H. R. Swope, former Sheriff of said Tuolumne county, is defaulter in the sum of thirteen thousand one hundred and twelve dollars, (\$13,112 12,) for State and County Taxes collected by him for the fiscal year ending March, 1854, as appears by the books of said county now on file in my office.

Witness my hand and seal of office, this 20th day of January, A. D. 1856.

M. C. WALWORTH,  
County Auditor.

Per ALEX. F. PRATT,  
Deputy.



Referred to the Committee on Claims.

Mr. Gove presented the following communication from Mr. Cornwall, formerly Secretary of the Senate:

*To the Hon. the Senate of the State of California:*

Your petitioner respectfully represents that he acted as Secretary of the Senate from the 5th day of January, till the 22d day of March, 1855: That in obedience to the provisions of the Act creating the office of State Printer, pass-



ed May 1st, 1854, your petitioner furnished daily to the State Printer one copy of the Journal of the Senate, for which copies he now respectfully lays before the Senate the receipts of the State Printer: That it has been the uniform rule of the Senate to pay their Secretary for the extra labor of copying the Journals of the Senate for the Public Printer: That the individual appointed by the Senate to succeed your petitioner in the office of Secretary, was paid out of the Contingent Fund of the Senate, for the copies of the Journals furnished by him to the State Printer. Your petitioner has received no compensation for his said services, and respectfully requests the Senate to provide for their compensation.

WM. A. CORNWALL.

Sacramento, Jan. 22, 1856.

STATE OF CALIFORNIA

To WM. A. CORNWALL, DR.

March 22, 1855. To copying Journals of the Senate of California for the State Printer, from Jan. 1st, 1855, till March 21st, 1855, inclusive, 2097 folios at 40 cents a folio, \$838 80.

WM. A. CORNWALL.

In preparing the above estimate, I have counted the number of folios in the first 466 pages of the printed Journal of the Senate of 1855, during which time I was Secretary: I estimate four and a half folios to each printed page of the Journal. I respectfully refer the Committee to whom this account may be referred to W. H. R. Woods, Esq., Deputy Secretary of State, who will give them every information on the subject.

WM. A. CORNWALL.

SACRAMENTO, Jan. 21, 1856.

Received of W. A. Cornwall, Secretary of Senate, Senate Journals for printing, from January 1st 1855, to March 21st, 1855, inclusive—this receipt to cover receipts given day by day, as Journals were received.

B. B. REDDING.

Read and referred to Committee on Claims.

Assembly Concurrent Resolution relative to the amendments to the Constitution, was taken up and referred to the Judiciary Committee.

Mr. McCoun gave notice that, at an early day, he would introduce a bill for an Act to adjust the claims of settlers on Mexican Grants.

Mr. Mandeville gave notice that he would, on to-morrow, move to amend the second Standing Rule of the Senate.

Mr. Coffroth gave notice that he would, at an early day, introduce an Act to relieve Leander Quint from the official bond of H. R. Swope, late Sheriff of Tuolumne county, by the payment of his pro rata amount.

Leave being granted, Mr. Coffroth introduced a bill for an Act to levy a special Tax in Tuolumne county for Jail purposes.

Read a first and second time, rules suspended and passed.

Mr. Mandeville, according to previous notice, introduced a bill for an Act to divide the State into Congressional Districts, according to an Act of Congress, approved June 25, 1842.

Read a first and second time, and referred to Judiciary Committee.

Mr. Shaw, according to previous notice, introduced a bill entitled an Act concerning the Interest of Money.

Read a first and second time, ordered printed, and referred to the Judiciary Committee.

On motion of Mr. Mandeville, the Sergeant-at-Arms was directed to inquire of the State Printer concerning certain documents ordered printed.

According to previous notice, Mr. Gove introduced a bill entitled an Act to amend an Act entitled an Act to provide Revenue for the support of the Government of this State, passed May 15, 1854, and amended April 17, 1855.

According to previous notice, Mr. Bynum introduced a bill for an Act entitled an Act to fix the times of holding the terms of the District Court in the Seventh Judicial District.

Read a first and second times, and referred to the Judiciary Committee.

On motion of Mr. Mandeville, the following resolution was taken from the table.

*Resolved*, The Assembly concurring, that the Legislature will adjourn *sine die* sixty days from the sixth of the present month.

Mr. Westmoreland moved to indefinitely postpone the resolution.

Mr. Rust moved to refer it to the Committee on Escheated Estates.

Lost.

The question recurring on the motion to indefinitely postpone.

The ayes and noes were demanded by Messrs. Flint, Heintzelman and Seeltz with the following result:

#### AYES.

Messrs. Ashley, Burnett, Coffroth, Cosby, Crandall, Ferguson, Hawks, Hawthorne, McCoun, Norman, Scellen and Westmoreland—12.

NOES.

Messrs. Burton, Bynum, Day, Dosh, Fiske, Flint, French, Gove, Heintzelman, Hook, Mandeville, McCallum, McNeill, Rust, Shaw, Tibbels, White and Wilson—18.

So the motion was lost.

Mr. Rust moved to lay the resolution on the table.

Carried.

By leave of the Senate, Mr. Shaw made a personal communication in regard to the notice of a resolution intended to be submitted by him, concerning the mineral lands of this State.

Mr. Ferguson moved to reconsider the vote by which was referred to the Judiciary Committee an Act to fix the times of holding the terms of the District Court in the 7th Judicial District.

Carried.

On motion of Mr. Ferguson, the bill was referred to the Senate from that District.

Mr. French gave notice, that on to-morrow he would introduce an amendment to the 30th Rule, so that the same shall not affect the provisions of Rule 13th.

On motion of Mr. French, the rules were suspended, and the amendment taken under consideration.

On motion, the amendment was lost.

On motion of Mr. Rust, the Senate adjourned.

Attest,

W. P. SWAN,  
Secretary of Senate.

## IN SENATE.

FRIDAY, January 25. 1856.

Senate met pursuant to adjournment.

Lieut. Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Roll called and the following Senators found to be absent:

Messrs. Day, Flint, French, Hawks, and McCoun.

Journal of yesterday read and approved.

Mr. McCallum offered the following report:

*Mr. President :*

The Committee on Engrossed Bills have examined Senate bill No. 18, entitled an Act to levy a Special Tax in Taolunne county for Jail purposes, and find the same correctly engrossed.

J. G. McCALLUM,  
Chairman.

Mr. Burnett offered the following report:

*Mr. President :*

The Committee on Public Printing, to whom was referred the resolution to have copies of the Journal of the Senate printed daily for the use of the Senate, respectfully report back the resolution, and recommend its indefinite postponement.

W. C. BURNETT,  
Chairman.

Mr. Ashley offered the following report:

*Mr. President :*

The Committee on Claims report Assembly bill No. 5, regulating the payment of Clerks, &c., and recommend the passage of the bill with proposed amendments; that is, that the Secretary, Chief Clerk, Assistant Secretary and Assistant Clerk, and Sergeant-at-Arms, shall each receive twelve dollars per day, the same received by the Members of the Legislature. Some of these officers now receive as high as seventeen dollars per day, and none of them less than fourteen



Your Committee know of no reason why a Clerk should receive more than a Member. The Member of the Legislature attends the daily sessions, and afterwards, frequently at night, does the labor on committees, prepares bills, searches authorities, and often does more real labor than is expected or required from any Clerk.

The Committee will not extend an argument, which, it is presumed, is not necessary, to induce a vote for retrenchment, from those whom the people fondly believe to have the interest of the State at heart. It is proposed to pay Chaplains eight dollars per day instead of twelve, as now. This is an office accorded from custom, and is more formal than laborious or necessary. The duties of the office occupy about five minutes per day, and your Committee must express their high estimation of the character, fidelity, and talents of the incumbents, who, doubtless, prize their position more for its honorary distinction than for the emoluments.

All of which is respectfully submitted.

D. R. ASHLEY,  
J. W. MANDEVILLE.

Mr. Ashley offered the following resolution:

*Resolved*, That the Controller of State be requested to furnish the Senate a full and specific statement of all receipts and expenditures of the State, from the first day of July, 1855, to the seventh day of January, 1856, inclusive.

Laid on the table.

Mr. Heintzelman gave notice, that at an early day he would introduce a bill for the Survey and Location of a Wagon Road from the town of Petaluma, in Sonoma County, to some point on Humboldt Bay.

Mr. Ferguson offered the following report:

*Mr. President :*

The Judiciary Committee, to whom was referred Senate bill No. 7, have had the same under consideration, and recommend the passage of the following substitute.

W. I. FERGUSON,  
Chairman.

On motion of Mr. Fiske, the following resolution was taken from the table, and the Secretary directed to inform the late and present Board of State Prison Directors of the passage of the same.

*Resolved*, That the Directors of the State Prison are requested to report to the Legislature, as soon as possible, the condition of the State Prison, the property on hand under their charge, and all contracts or agreements by them made or adopted for the supply of provisions and clothing for the prisoners, and the number of guards and employees under pay, with the amounts of salaries.

*Resolved*, That the former Board of Directors of the State Prison be requested

to report in full all contracts and arrangements by them made in relation to the State Prison, and to make a general statement of their acts as such Directors.

Mr. Tilford offered the following resolution:

*Resolved*, That the Sergeant-at-Arms of the Senate is hereby authorized to make arrangements with the Express Companies for the transmission of the mail matter of the Senate; *Provided*, that the charges by the Express Companies shall not exceed the United States postage on the same matter.

Mr. Shaw offered the following amendment:

*Provided*, that a statement shall be laid every month, and the Sergeant-at-Arms shall, each month, inform the Senate of the expense thereof.

Mr. Heintzelman moved to indefinitely postpone the whole subject matter.

Mr. Tilford withdrew the resolution.

Mr. Colgroth renewed it, accepting the amendment offered by Mr. Shaw.

On the motion to indefinitely postpone, the ayes and noes were demanded by Messrs. French, Heintzelman and Hook, with the following result:

AYES.

Messes. Barnett, Burton, Dymun, Colgroth, Cosby, Day, Ferguson, Flint, French, Gove, Heintzelman, Hook, Mandeville, McCallum, Mettee, McNeill, Norman, Seiden, Tilford, Vance and Westmoreland—21.

NOES.

Messes. Ashton, Churchill, De L. Gault, Leach, Fiske, Hawthorne, Lippincott, McGinn, Rast and Vernon—10.

So the motion prevailed.

Mr. Colgroth gave notice that he would move a reconsideration of the vote just taken.

Mr. McCord offered the following resolution:

*Resolved*, That the Sergeant-at-Arms be instructed to call on the Postmaster of this city and request him to render his account on the first day of February next, and submit the same to the Senate, until the adjournment of the Legislature; also, to state in said account the separate cost of such Legislative documents as have been transmitted by mail.

Mr. Asiley moved amendment by striking out the word "semi-monthly," and inserting the word "weekly."

Carried.

The resolution as amended was adopted.

Mr. French presented the following memorial:

*To the Senate and Assembly of the State of California :*

The undersigned, composing the late Board of State Prison Directors, beg leave respectfully to represent that, as gross misrepresentations have been published in relation to their official acts, they desire the appointment of a select committee, with full power to scrutinize every transaction sanctioned by the Board or Warden.

The books, vouchers and contracts exhibit the names of all persons who have transacted business for or with the Board, and we hope you will authorize and empower the committee to compel such persons to appear before them and testify, and that you will further authorize and empower said committee to visit the Prison, examine the wall, as well as re measure and estimate the work.

In conclusion, we beg leave to add that we have a report nearly completed, and which will be transmitted in a few days, or if you so instruct, will be delivered to the committee, as well as copies of all contracts, books and vouchers.

Signed,

R. N. SNOWDEN,  
JOHN S. LOVE.

Sacramento, January 24, 1856.

Read and referred to the Committee on the State Prison.

On motion of Mr. Dosh, Senate bill No. 7, an Act to amend an Act entitled an Act to amend an Act entitled an Act to fix the times of holding the terms of the District Courts throughout this State, approved May 4, 1855, was taken up,

Read a third time and passed.

Leave being granted, Mr. Dosh introduced a bill for an Act entitled an Act amendatory of an Act entitled an Act to provide for the Incorporation of Wagon Road Companies, passed April 22, 1853.

Read a first and second time and referred to the Committee on Corporations.

On motion, the following Assembly message was taken from the table:

*Mr. President :*

I am directed to inform the Senate that the Assembly, on yesterday, laid upon the table the Senate resolution in relation to the postponement of a Joint Convention for the purpose of electing a United States Senator, to succeed the Hon. Wm. M. Gwin, and that in accordance with the Joint Rules of the Senate and Assembly, five days notice has been given that a concurrent resolution would be introduced, for the two Houses to go into Joint Convention, for the purpose of

electing a United States Senator to fill the vacancy occasioned by the expiration of the term of the Hon. Wm. M. Gwin.

All of which is respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Mr. Coffroth moved that the message be referred to the Committee of the Whole, and made the special order for Wednesday next.

Mr. Heintzelman moved that it be made the special order for the first day of July next, and demanded a call of the Senate.

Mr. Ashley raised the point of order, that there was no business pending before the Senate.

The Chair (Mr. Hawthorne presiding) overruled the point of order.

Mr. Mandeville appealed from the decision of the Chair.

And the question being, "Shall the decision of the Chair stand as the judgment of the Senate?"

Mr. Westmoreland demanded the previous question.

Sustained.

The question then being "Shall the main question be now put?"

Carried.

The main question on "sustaining the decision of the Chair,"

Decided in the negative, and the decision of the Chair overruled.

According to previous notice, Mr. Mandeville moved to amend the second standing rule of the Senate as follows.

Rule 2d — After the reading and approval of the journal, the order of business shall be as follows :

- 1st. Presentation of Petitions.
- 2d. Second Reading and Reference of Bills.
- 3d. Introduction of Bills.
- 4th. Notices.
- 5th. Reports of Standing Committees.
- 6th. Reports of Select Committees.
- 7th. Messages from the Governor.
- 8th. Messages from the Assembly.
- 9th. Motions and Resolutions.
- 10th. The Third Reading of Bills.
- 11th. Unfinished Business of the Preceding Day.
- 12th. Special Order of the Day.

Adopted.



Leave being granted, Mr. McCallum introduced a bill for an Act to amend an Act, concerning crimes and punishments, passed April 16, 1850.

Read a first and second time, and referred to the Judiciary Committee.

Leave being granted, Mr. McConn introduced a bill for an Act to encourage the settlement and secure improvement on wild and unoccupied lands.

Read a first and second time, and referred to the Judiciary Committee.

Leave being granted, Mr. Ashley introduced a bill for an Act to provide for the publication of the laws of this State.

Read a first and second time. Ordered printed, and referred to the Judiciary Committee.

Mr. Burton, from the Committee to procure an office for the use of the Lieut. Governor, reported that the Committee had succeeded in obtaining a room, when,

On motion, the Committee was instructed to rent the same.

Mr. Ashley offered the following resolution :

*Resolved*, That the State Printer be required to print, for the use of the Senate, 500 copies each of the Governor's Message and the Governor's Inaugural Address in Spanish.

Mr. McCallum gave notice that he would, on to-morrow, or at an early day, introduce a bill for an Act to repeal an Act to provide for the protection of foreigners, and to determine their liabilities and privileges, passed April 30<sup>th</sup> 1855, and to reinstate the original act.

Mr. McConn moved to adjourn till Tuesday next.

Upon which the ayes and noes were demanded by Messrs. Ashley, McConn and Hawks, with the following result :

AYES.

Messrs. Burnett, Crandall, De la Guerra, Ferguson, Fiske, Flint, Gove, Hawks, Heintzelman, Lippincott, McConn, McGee, McNeil, Rust, Scellen, Tilford and Westmoreland—17.

NOES.

Messrs. Ashley, Burton, Bynum, Coffroth, Cosby, Day, Dosh, French, Hawthorne, Hook, Mandeville, McCallum, Norman, Shaw and Wilson—15.

So the motion prevailed, and the Senate adjourned.

## IN SENATE.

TUESDAY, January 29, 1856.

Senate met pursuant to adjournment.

Mr. Ashley, President *pro tem.*, in the chair.

Prayer by the Rev. Mr. Pratt.

Roll called, and the following Senators found to be absent:

Messrs. Ferguson, Hawks, and McCoun.

On motion of Mr. Tilford, leave of absence, until Thursday, was granted Mr. Coffroth.

On motion of Mr. Norman, an indefinite leave of absence was granted to Mr. Crandall.

Journals of Friday read and approved.

On motion of Mr. Burton, Messrs. McGee, Westmoreland, and Bynum, members of the State Prison Committee, now absent on duty, were granted leave of absence.

Leave being granted, Mr. Heintzelman introduced a bill for an Act to amend an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice in this State, passed April 29, 1851.

Read a first and second time, ordered printed, and referred to the Judiciary Committee.

Mr. Heintzelman introduced a bill for an Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed May 15, 1854.

Read a first and second time, ordered printed, and referred to the Judiciary Committee.

According to previous notice, Mr. McCallum introduced a bill for an Act to repeal an Act entitled an Act to amend an Act to provide for the protection of Foreigners and to define their Liabilities and Privileges, passed April 30th, 1855, and to reinstate the original Act.

Read a first and second time, and referred to the Committee on Mines and Mining Interests.

Mr. Fiske presented the following report:

*Mr. President:*

The Committee on Education report that they have duly considered the Report of the Superintendent of Public Instruction, and recommend that one thousand copies of the Report and accompanying Statistics be printed for the use of the Senate, and five hundred copies for the use of the office of Superintendent of Public Instruction.

S. BYNUM,  
Chairman.

Adopted.

Mr. Burton offered the following report:

*Mr. President:*

The Committee on Enrollment presented to the Governor, on Saturday, the 26th inst., the following:

An Act to amend an Act concerning the Office of County Recorder of the county of San Francisco.

An Act to provide for a special term of the Fourteenth Judicial District Court, in the county of Sierra.

E. F. BURTON,  
Chairman.

January 29th, 1856.

Adopted.

Mr. Mandeville moved to take from the table the resolution fixing the time for the adjournment of the Legislature.

Lost.

Mr. Cosby offered the following resolution:

*Resolved*, That the Controller of State be requested to furnish the Senate a statement of the amounts of Warrants issued from his office during the year 1855, previous to the 1st day of July, which have not been bonded.

Adopted.

Mr. Day offered the following resolution:

*Resolved*, That the Sergeant-at-Arms be instructed to supply the Sergeant-at-Arms of the Assembly with a sufficient number of copies of each bill ordered to be printed by the Senate, to be laid on the table of each member of the Assembly.

Adopted.

The following message was received from the Assembly:

JANUARY 29, 1856.

*Mr. President:*

I am directed to inform the Senate that the Assembly passed Senate bill No. 6, an Act to amend an Act entitled, an Act to regulate the settlement of Estates of Deceased Persons.

Also, passed substitute for Senate bill No. 16, an Act to cancel the registration and endorsement of certain Warrants, and prohibiting the payment of the same.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Mr. McCallum offered the following report:

*Mr. President :*

The Committee on Engrossed Bills, to whom was referred an Act to amend an Act entitled an Act to amend an Act entitled an Act to fix the times for holding the terms of the District Court throughout this State, approved May 4, 1855, report that said Act is correctly engrossed.

J. G. McCALLUM,  
Chairman.

On motion of Mr. Burnett, Senate bill No. 23, an Act to encourage the settlement and secure improvements on wild and unoccupied lands, was ordered printed.

The following communication was received from the Sergeant-at-Arms:

*Mr. President :*

In compliance with the resolution of the Senate, instructing the Sergeant-at-Arms to inquire the cause of delay in the printing of the Senate, I have to report that I have called on the State Printer, and he says there has been no unnecessary delay, that all the printing ordered by the Senate, not now completed, is under way, and will be delivered as soon as practicable.

J. W. ROSS,  
Sergeant-at-Arms of Senate.

Jan. 29, 1856.

On motion of Mr. Ashley, Assembly bill No. 5, relative to the *per diem* of officers was taken up.

Mr. Ashley presented the following report:



*Mr. President:*

The Committee on Claims having considered the petition of W. A. Cornwall, would report that for several sessions of the Legislature, the Secretary of the Senate and the Chief Clerk of the Assembly have received pay for the copies of the Journal furnished to the State Printer at the rate of forty cents per folio, while these very copies were made by the Assistant Clerks, to whom the State paid a very large *per diem* for this same service. This practice of paying double is one of the hundreds of abuses practised and countenanced by officers, and your committee will not sanction its continuance. True, others have received pay in this mode, but there must be an end of it; and since Mr. Cornwall's claim is not legal nor equitable, but is simply founded on a speculative custom, we recommend its rejection, and regret that the State has already lost so much in this manner, the sum being several thousand dollars.

This practice was authorized under the printing Act of 1852, the same under which the printing of one year amounted to more than two hundred thousand dollars. Under the printing Act of 1854, and which is now in force, this charge is not allowable.

Mr. Cornwall's claim is \$828 80, for work done by Clerks who received \$12 per day from the State. As much more was doubtless paid to his successor, so that last year the people lost in this little groundless extravagance, in the Senate alone, the sum of \$1676. Besides, the truth is, that the original Journals have frequently, if not generally, been sent to the Printer, so in fact no copy at all was made, although paid for.

The Printer gives his receipt for the copy he receives, whether the original or not, hence we are not aware that the State Printer is in any manner at fault.

This expenditure is about \$3000 per year, and we believe it our duty to save it, although liberal minded, sleek, officials do snivel at retrenchment as penuriousness.

Payment for this work has, we understand, usually been made out of the Contingent Fund, which is under the control of the presiding officer and the Committee on Contingent Expenses, and that no mistake may be made, we recommend the adoption of the following resolution:

*Resolved*, That no payment per folio shall be made to the Secretary of the Senate, or other person, for making copies of the Journals for the Printer, but such copies shall be made by the Clerks employed by the Senate.

We have confidence that the Committee on Contingent Expenses will not allow such claim hereafter, and expect to see such expenses entirely avoided if economy is desired.

All of which is respectfully submitted.

D. R. ASHLEY,

Chairman.

Report adopted

On motion, the claim of Mr. Cornwall was rejected.

*Mr. President :*

The Committee on Claims report Assembly bill No. 5, regulating the payment of Clerks, &c., and recommend the passage of the bill with the proposed amendments—it at is, that the Secretary, Chief Clerk, Assistant Secretary and Assistant Clerk, and Sergeant-at-Arms, shall each receive twelve dollars per day—the same received by members of the Legislature. Some of these officers

now receive as high as seventeen dollars per day, and some of them less than fourteen.

Your Committee know of no reason why a Clerk shall receive more than a Member. The Member of the Legislature attends the daily sessions, and afterwards, frequently at night, does the labor on Committees, preparing bills, searches authorities—and often does more real labor than is expected or received from any Clerk. The Committee will not extend an argument, which is presumed is not necessary to induce a vote for retrenchment from those whom the people fondly believed to have the interest of the State at heart.

It is proposed to pay Chaplains eight dollars per day, instead of twelve, as now.

This is an office accorded from custom, and is more formal than laborious or necessary.

The duties of the office occupy about five minutes per day, and your Committee must express their high estimation of the character, fidelity and talents of the incumbents, who, doubtless, prize their position more for its honorary distinction than for the emoluments.

All of which is respectfully submitted.

D. R. ASHLEY.

J. W. MANDEVILLE.

Mr Hawthorne presented the following minority report from the Committee on Claims:

*Mr. President:*

The minority of the Committee on Claims respectfully report the following reductions of the pay of the officers of the Senate and Assembly as sufficient, in the opinion of the minority, and that it would be improper, if not unjust, to said officers to adopt the amendments proposed by the majority of said Committee.

J. C. HAWTHORNE.

To the Secretary of the Senate and Chief Clerk of the Assembly, per diem,	-	-	-	-	\$15 00
To Assistant Secretary and Clerk,	-	-	-	-	- 14 00
To Sergeant-at-Arms of Senate and Assembly per day,	-	-	-	-	- 15 00
To the Enrolling and Engrossing Clerks of Senate and Assembly, per day,	-	-	-	-	- 12 00
To Copying and Journal Clerks,	-	-	-	-	- 12 00
To Door Keepers,	-	-	-	-	- 10 00
To Chaplain,	-	-	-	-	- 10 00
To Porters,	-	-	-	-	- 8 00
To Pages,	-	-	-	-	- 7 00

The minority would also represent that the per diem of Members should remain unchanged. Also, that the per diem of the Lieut. Governor and Speaker of the Assembly should not be less than \$14.

All of which is respectfully submitted.

J. C. HAWTHORNE.

Mr. Shaw moved that the whole subject be laid upon the table.

Upon which, the ayes and noes were demanded by Messrs. Hook, Ashley and Mandeville, with the following result :

AYES.

Messrs. Burton, Cosby, Fiske, Flint, French, Gove, Hawks, Hawthorne, Lipincott, McNeill, Norman, Rust, Scellen, Shaw, Tilford and Wilson—16.

NOES.

Messrs. Ashley, Burnett, Day, De la Guerra, Dosh, Heintzelman, Hook, Mandeville, McCallum and Waite—10.

So the motion prevailed.

Mr. Ashley offered the following resolution.

*Resolved*, That the Controller of State be requested to report to the Senate without delay, the aggregate receipts into the State Treasury from all sources, from the first day of July, 1855, to the 20th day of January, 1856, inclusive ; also, to report a detailed and specific statement of all expenditures of the State, and all Controller's warrants issued during the same period.

Adopted.

Mr. Hawthorne gave notice that he would, on to-morrow, introduce a bill amendatory of the law regulating Elections.

The following message was received from the Assembly :

January 29th, 1856.

*Mr. President :*

I am directed to inform the Senate that the Assembly passed on the 24th ultimo, Assembly bill No. 7, an Act to change the name of Abisha Washburn Hough.

Also, passed on the 25th ult., Assembly bill No. 12, an Act concerning Evidence.

Also, Assembly bill No. 22, an Act to authorize the Supervisors of Mariposa county to levy a Special Tax.

Respectfully submitted,

J. M. ANDERSON,

Clerk Assembly.

Assembly bill No. 7, an Act to change the name of Abisha Washburn Hough to Andrew Watson Hough, was taken up, read a first and second time, and referred to Judiciary Committee.

Assembly bill No. 12, an Act concerning Evidence, was taken up, read a first and second time, and referred to the Judiciary Committee.

Assembly bill No. 22, a bill for an Act to authorize the Supervisors of Mariposa county to levy a Special Tax, was taken up, read a first and second times, and referred to the Delegation from Mariposa.

The following message was received from the Assembly:

JANUARY 29, 1856.

*Mr. President :*

I am directed to inform the Senate that the Assembly passed Senate bill No. 6, an Act to amend an Act entitled an Act to regulate the Settlement of Estates of Deceased Persons.

Also, passed substitute for Senate bill No. 16, an Act to cancel the Registration and Endorsement of certain Warrants, and prohibiting the Payment of the same.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

On motion, Senate bill No. 16 was taken up, and considered in Committee of the Whole.

Mr. Day moved to amend the first line of the first section of the bill, by striking out the word "regulation," and inserting the word "registration."

Agreed to.

Mr. Tilford moved to amend the third line of the fifth section of the bill, by striking out the word "misdemeanor," and inserting the word "felony."

Agreed to.

The bill was then read a third time and passed, and the Secretary instructed to report the same forthwith to the Assembly for its concurrence.

On motion of Mr. Mandeville, Assembly bill No. 5, relative to the Per Diem of Officers, was ordered to be printed.

Mr. Hawks moved to adjourn.

Lost.

The following message was received from the Assembly:

JANUARY 29, 1856.

*Mr. President :*

I am directed to inform the Senate that the Assembly have concurred in Sen-



ate amendments to an Act to cancel the Registration and Endorsement of certain Warrants, and prohibiting the Payment of the same, and have passed the bill as amended,

Respectfully submitted.

J. M. ANDERSON,  
Clerk Assembly.

On motion, the Senate adjourned.

# IN SENATE.

WEDNESDAY, January 30, 1856.

Senate met pursuant to adjournment.

Lieut. Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Roll called and the following Senators found to be absent:

Messrs. Ferguson and McCoun.

Journal of yesterday read and approved.

Mr. Tilford presented the following reports :

*Mr. President:*

The Committee on Enrollment have examined and find correctly enrolled an "Act to cancel the registration and endorsement of certain warrants, and prohibiting the payment of the same."

Respectfully,

F. TILFORD,  
Chairman.

*Mr. President:*

The Committee on Enrollment report that the "Act to cancel the registration

and endorsement of certain warrants, and prohibiting the payment of the same," was yesterday presented to His Excellency the Governor for his signature.

Respectfully,

F. TILFORD,  
Chairman.

Mr. Cosby gave notice that, at an early day, he would introduce a bill to amend an Act entitled "an Act to exempt the Homestead and other property from forced sale in certain cases, passed April 21st, 1851.

Mr. Ashley gave notice that he would, on to-morrow, offer an addition to the standing rules of the Senate.

The following message was received from His Excellency the Governor :

EXECUTIVE DEPARTMENT,  
Sacramento, Jan. 26, 1856. }

*To the Hon. the Senate of California:*

I have this day approved the following Acts, to wit :

An Act to amend an Act concerning the office of County Recorder of San Francisco county.

Also, an Act to provide for a special term of the Fourteenth District Court, in the county of Sierra.

I have the honor to be,  
Yours obed't servant,

J. NEELY JOHNSON.

EXECUTIVE DEPARTMENT,  
January 30, 1856. }

*To the Senate of California :*

I have this day approved an Act entitled "An Act to cancel the registration and endorsement of certain warrants, and prohibiting the payment of the same."

Very respectfully,  
Your obedient serv't

J. NEELY JOHNSON.

EXECUTIVE DEPARTMENT,  
January 29, 1856. }

*To the Senate of California:*

In conformity with the request of your Honorable body, I herewith present

a copy of the record of proceedings had by the late Board of Commissioners in relation to the construction of a Wagon Road across the Sierra Nevada : also, all the papers which I have been able to find having relation to the construction of said work.

Very respectfully,  
Your obedient servant,

J. NEELY JOHNSON.

On motion, the communications and accompanying documents, were referred to the Committee on Internal Improvements.

Mr. Scellen offered the following resolution :

*Resolved*, That the Secretary of the Senate be authorized to procure a suitable box or case to contain the valuable papers of the State coming into his possession.

Adopted.

Mr. Tilford introduced a bill for an Act to change the name of William Ephram Ward to William Ephram Ward Hyde.

Read a first and second time, and referred to the Judiciary Committee.

Mr. Hawthorne introduced a bill for an Act to amend an Act to regulate Elections.

Read a first and second time, and referred to the Committee on Elections.

Mr. Dosh gave notice that he would at an early day introduce a bill, having for its object the creation of additional Senatorial Districts in this State.

Mr. Burnett gave notice that he would, at an early day, introduce a bill to change the name of Mix Smith to that of George Washington Smith.

Mr. Rust presented the following communication from the Attorney General:

HON. P. C. RUST:

SIR—

In compliance with your request as Chairman of the Committee on Escheated Estates of the Senate, I respectfully submit the following :

During my term of office of Attorney General, an effort was made on the part of the State, to recover several large estates left by deceased foreigners, who were supposed to have died in this State, seized of three or four millions worth of real estate, and leaving no heirs or representatives capable of inheriting or holding the same.

The most extensive of these is the Leidesdorff Estate, situated in the Coun-

ties of San Francisco and Sacramento, and comprising a large portion of the most valuable property in San Francisco, and a large and valuable ranch in the County of Sacramento, and valued at about two millions of dollars.

In 1854 the Governor called the attention of the Legislature to the subject of Escheated Estates, and a Committee of the Senate was appointed to investigate the matter, and this Committee reported that, in their opinion, the Leidesdorff Estate had escheated and was the property of the State of California.

During the summer of 1854 the acting Attorney General filed an information in the District Court of the County of Sacramento, claiming the property of the Leidesdorff Estate in that County for the State, but was unable to proceed for want of money.

During the past year an information was filed in the District Court of San Francisco County, against Joseph L. Folsom, who claimed the estate by virtue of a purchase of one Anna Maria Sparks, a native of St. Croix, one of the Danish West India Isles, who was supposed to be the mother of William A. Leidesdorff deceased.

These two actions were consolidated and appealed to the Supreme Court, and were argued at the July term, 1855, by the Hon. H. S. Foote and the Attorney General on the part of the State, and the Hon. A. C. Peachy and the Hon. James McDougal for the defendant, Joseph L. Folsom; and at the October term of the same year, the Supreme Court decided in favor of the defendant.

In the matter of the estate of August Decke deceased, an information was filed by the Attorney General in the fall of 1854, in the District Court of San Francisco, and a *pro forma* judgment was had in favor of the State, and an appeal taken to the Supreme Court, which was argued and submitted in February, 1855, and decided against the State in October of the same year. This estate is situated in the City of San Francisco, valued at about one hundred thousand dollars, and was left by one August Decke, a native of Prussia, who died in that city, in 1853, leaving no heirs or representatives in this State or in the United States, but his relatives, natives and inhabitants of Prussia, claimed the estate by virtue of the treaty between the United States and that Government, and the Supreme Court decided in favor of these claimants.

In the matter of the estate of James Beckett deceased, an information was filed against Samuel Flower, Public Administrator, and Administrator of that estate, in the District Court of San Francisco.

At this time, and a long time prior thereto, it was supposed Beckett died leaving no heirs or representatives in this or any other country. But shortly afterwards, a person claiming to be the widow of Beckett, filed an interpleader in behalf of an adopted son of the deceased, and she claimed the right to administer upon the estate; which matters are now in litigation between the Public Administrator and these claimants, and if they fail to establish their claim which is most probable, from all the facts in my possession, then this estate will escheat to the State, which over and above all incumbrances, is estimated at about one hundred thousand dollars. In the mean time, the action was continued by the defendant to take depositions.

In the matter of the estate of El Moro, deceased, who died in San Francisco, in 1854, seized of a large amount of real estate, situated in that city, and leaving no heir or representatives, an information was filed in the spring of 1855 against Stout and some thirty others, claimants of the estate, a large number of demurrers were filed by these claimants, which raised all the questions as to the right of the State to recover, and these demurrers were argued and submitted, and taken under advisement by the court for several months, and finally decided in favor of the claimants, and an appeal was taken therefrom to



the Supreme Court. After the decision in the Leidesdorff case, inasmuch as the same questions had all been decided in that case, which arose in the El Moro case, the latter was dismissed upon the authority of the former.

In the matter of the estate of Thomas Hardy, deceased, which consists of a Spanish grant of six square leagues in extent, and was left by one Hardy, who died in 1849, leaving no heirs or representatives, an action is now pending in the District Court of Yolo county. The present claimants, against whom the action was brought, obtained the grant by virtue of a pretended Administrator's sale, which sale is supposed to be informal, illegal and void; but the grant is genuine, and has been confirmed by the United States Land Commissioners, without any decision upon the question as to whether the grant was legally obtained by the present claimant.

The appropriation of thirty thousand dollars, made at the last session of the Legislature, for the prosecution of escheated estates, with the exception of a small amount, has been expended for that purpose, as follows:

To Messrs. Foote and Aldrich, who were engaged in the Leidesdorff, the El Moro and Beckett cases, ten thousand dollars.

To William M. Stewart, who assisted in all the cases brought by the State, ten thousand dollars.

To Louis Blanding, Esq., who was retained in the Leidesdorff and El Moro cases, and translated from the Spanish language such laws as were necessary in these prosecutions, two thousand five hundred dollars.

To H. L. Thornton, Esq., who was employed and received for his professional services, one thousand dollars.

The Attorney General was compelled to pay to Messrs. William A. Cornwall and J. R. Coryell, the sum of three thousand and sixty-eight dollars, for furnishing description of and information concerning these estates.

This may look like a large amount, but it was much less than these gentlemen charged, and cheaper than any other persons would undertake to do the same service.

Eighteen hundred dollars was paid to a Clerk.

Thirty five dollars was paid to William P. Hallett, for copying.

Five hundred and ninety-eight dollars to the Clerk of the Supreme Court.

Four hundred dollars and seventy-five cents for Printing.

I will only say in addition to the above, that the matter of escheated estates has been a work of great labor and responsibility; and the Attorney General, and those associated with him, have been compelled to contend with the most able and accomplished Counsel of the State, paid more liberally than the State was able or willing to do.

Mr. Peachy, for conducting the Leidesdorff case, was paid the sum of twenty-five thousand dollars in cash.

But the greatest difficulties were experienced on account of the great prejudice in the community against the State acquiring property by escheat, which rendered it almost impossible to obtain facts to substantiate the claim of the State in these cases.

Hoping that the foregoing contains all the information you desire,

I remain, yours truly,

J. R. McCONNELL,  
late Attorney General,  
State of California.

To the Hon. P. C. ROST,

Chairman of Committee on Escheated Estates of the Senate.

Referred to Committee on Escheated Estates.

Mr. Hawks gave notice that he would introduce a bill to provide for the better protection of the elective franchise in this State.

Mr. Mandeville moved to take up the resolution fixing a day for the adjournment of the Legislature.

Mr. Hawks moved a call of the Senate.

Carried.

Mr. Ferguson was found to be absent without leave.

On motion of Mr. Mandeville, further proceedings under the call were dispensed with.

On the motion to take the resolution from the table, the ayes and noes were demanded by Messrs. Mandeville, Flint and Rust, with the following result:

#### AYES.

Messrs. Ashley, Burton, Day, De la Guerra, Fiske, Flint, French, Heintzelman, Hook, Mandeville, McNeill, Norman, Waite and Wilson—14.

#### NOES.

Messrs. Burnett, Cosby, Crandall, Dosh, Gore, Hawks, Hawthorne, Lippincott, McCallum, McCoun, Rust, Scellen, Shaw and Tilford—14.

So the motion was lost.

On motion of Mr. Ashley, the Senate took from the table, Assembly bill No. 5, a bill to regulate the *per diem* allowance of officers of the Senate and Assembly, and to repeal the existing laws relating thereto.

Considered in Committee of the Whole.

After some time spent therein, on motion of Mr. Mandeville, the Committee rose, reported progress and were discharged.

Mr. Mandeville moved to strike out the word *fifteen* in the sixth line of the first section, and insert *twelve*.

Upon which the ayes and noes were demanded by Messrs. Mandeville, Ashley and McCoun, with the following result:

#### AYES.

Messrs. Ashley, Burnett, Cosby, Day, Hawks, Heintzelman, Hook, Mandeville, McCoun, McNeill, Norman, Shaw, Tilford and Waite—14.

NOES.

Messrs. Burton, Crandall, De la Guerra, Dosh, Fiske, Flint, French, Gove, Hawthorne, Lippincott, McCallum, Rust, Scellen and Wilson—14.

So the motion was lost.

Mr. Mandeville moved to insert fourteen.

Mr. Flint moved to lay the bill on the table.

Lost.

Mr. Mandeville called for a division of the question, on striking out the word fifteen.

Carried, and the word fifteen was stricken out.

Mr. Rust moved to amend by inserting "thirteen"

Carried.

Mr. Hawthorne moved to amend the eighth line of the first section, by striking out the word "fifteen," and inserting "thirteen."

Carried.

On motion, the word "twelve" was stricken from the seventeenth line of the first section, and "eight" inserted.

Mr. Tilford moved to strike out "ten," after the word Doorkeeper, in the fourteenth line, and insert "twelve."

Lost.

The bill was then read a third time, and gassed.

Leave being granted, Mr. Rust introduced a bill for an Act to provide for the speedy distribution of certified copies of the Decisions of the Supreme Court.

Read a first and second time, and referred to the Judiciary Committee.

Mr. McCoun gave notice that he would, at an early day, introduce a bill for an Act to abolish the Office of State Printer, and to provide for the Public Printing.

On motion of Mr. Scellen, the Senate adjourned.

Attest:

WM. BAUSMAN, Sec'y Senate.

## IN SENATE.

THURSDAY, January 31, 1856.

Senate met pursuant to adjournment.

Lieut. Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Roll called, and Mr. De la Guerra found to be absent without leave.

Journal of yesterday read and approved.

Mr. Tilford presented the following petition:

*To the Honorable the Senate and Assembly of the State of California :*

Your petitioner, George W. Coffee, would respectfully show that upon the second day of March, 1853, there was issued by the Controller of this State, in accordance with the provisions of the Statute providing for and regulating the issue thereof, School Warrant No. 470, (four hundred and seventy,) whereby petitioner became entitled to locate upon one hundred and sixty acres of land, set aside by this State for school purposes; but that said Warrant has recently become lost or destroyed inadvertently by him; that the same has never been endorsed by him, and therefore if lost and not destroyed is valueless in the hands of a third person, and can not be enforced against the interest of this State in the lands aforesaid, nor used in locating upon the same.

Petitioner further shows, that by reason of having lost or destroyed the Warrant aforesaid he is deprived of the benefits to be derived therefrom, and unable to locate upon the lands aforesaid, and that by reason of the same not having been endorsed no other person can avail himself of the possession of said Warrant to locate upon the same.

Wherefore, he prays relief from your honorable body, and that a duplicate Warrant be issued unto him, upon his properly indemnifying this State against any and all loss and damage therefrom, and your petitioner will ever pray.

G. W. COFFEE.

Sacramento, January 30, 1856.

Subscribed and sworn to before me, this 30th January, 1856.

W. W. PRICE,  
Notary Public.

Read and referred to the Committee on Claims.

Mr. Burnett, according to previous notice, introduced a bill for an Act to



provide for funding the Floating Debt of the city of Marysville, and for the extinguishment thereof and other purposes.

Read a first and second time, and referred to the Delegation from Yuba.

Mr. Lippincott introduced a bill for an Act to fix permanently the boundary lines between Yuba, Butte and Plumas counties.

Read a first and second time, and referred to the Committee on County and County Boundaries.

Mr. Tilford offered the following report:

*Mr. President :*

The Committee on Enrollment report that they have examined the " Act to amend an Act to regulate the settlement of the Estate of deceased persons," passed May 1st, 1851, and find the same correctly enrolled.

Respectfully,

F. TILFORD,  
Chairman.

Mr. McNeill reported back Assembly bill No. 22, a bill for an Act to authorize the Supervisors of Mariposa county to levy a special tax, recommending its passage.

The bill was read a third time and passed.

According to previous notice, Mr. Ashley introduced the following addition to the standing rules of the Senate :

All bills and other matters requiring a third reading, shall, after the second reading, if not referred—but if referred, then on being reported—be placed upon a general file, and shall be taken up for the third reading and final action, in the order they are placed on said file.

Adopted.

Mr. Ferguson presented the following account and accompanying explanation, from Gen. A. M. Winn:

SACRAMENTO, January 28, 1856.

THE PEOPLE OF THE STATE OF CALIFORNIA

TO BRIGADIER GEN A. M. WINN, DR.

For Military Services rendered, and money expended in 1850, 1851, and 1852, by order of the Governors and Commanders-in-Chief of this State.

In explanation of this claim, I am prepared to say that in April, 1850, Gen. Winn was elected and commissioned one of the Brigadier Generals of this State,

which office he now holds; that during the years of 1850, '51, and '52, he performed services and expended money under the order of the Governors of this State, for which he has never been paid: That he presented his account to the Wars Board, for allowance, which they examined and determined they could not allow, as the law provided for the payment of no officer above the rank of Major, and while they admitted the justice of his claim, they informed him that remuneration could only be had by legislation; therefore, he has presented this claim that it may be examined with a view to allowing him such amount as may seem to us just and right.

Referred to the Committee on Claims.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, January 23d, 1856, an Act concerning the office of District Attorney for the county of Los Angeles.

Also, passed on the 24th, a bill for an Act making an appropriation for the temporary support of the State Prison.

Also, concurred, on the 25th, in Senate Concurrent Resolution in relation to muster rolls of the different Volunteer Companies called into service for the defence of the State, &c.

Respectfully submitted,

J. M. ANDERSON,  
Clerk Assembly.

Assembly bill No. 19, a bill for an Act making an Appropriation for the Temporary Support of the State Prison.

Read a first and second times, and referred to the Committee on Finance.

Assembly bill No. 16, an Act concerning the Office of District Attorney of the County of Los Angeles.

Read a first and second time, rules suspended, and passed.

On motion of Mr. Burton, the following resolution was taken up.

*Resolved*, the Assembly concurring, That the Legislature will adjourn *sine die*, sixty days from the sixth of the present month.

Mr. Scellen offered the following substitute:

*Resolved*, by the Senate, the Assembly concurring, That the Legislature do adjourn *sine die* on Monday, the seventh day of April, 1856.

Adopted, and passed.

Mr. Hawthorne presented the following report:

*Mr. President :*

The majority of the Committee on Claims, to whom was referred the petition of William Cornwall, for compensation for copying the journals of the Senate of 1855 for the State Printer, reports that it has been the uniform rule of the Senate, since the organization of this government, to pay their Secretary for copying the journals for the State Printer ; and they know of no reason why a distinction should be made by the Senate in favor of some officers and against others.

Your Committee find, on examination of the State Printer's receipts, that the petitioner furnished that officer with copies of the journal of the Senate from January 5th till March 22d, 1855.

Your committee, therefore, report the following resolution, and recommend that it be adopted by the Senate.

J. C. HAWTHORNE.  
J. W. MANDEVILLE.

*Resolved*, That the claim of W. A. Cornwall, amounting to \$838, for furnishing the State Printer with copies of the journals of the Senate, be allowed, and paid out of the Contingent Fund of the Senate.

After some discussion, on motion of Mr. Coffroth, the report was recommit-  
ted to the Committee on Claims.

Leave being granted, Mr. Tilford introduced a bill for an Act to authorize the State Treasurer to issue a duplicate land warrant to George W. Coffee.

Read a first and second time, and referred to the Committee on Claims.

According to previous notice, Mr. Tilford introduced a bill for an Act to amend an Act entitled an Act concerning appeals in certain cases, approved February 16, 1855.

Read a first and second time, ordered printed, and referred to the Judiciary Committee.

On motion of Mr. Norman, Mr. Ashley was added to the Select Committee of five to examine and report upon the issue of certain Controller's warrants.

On motion of Mr. Mandeville, the Senate adjourned

R. M. ANDERSON,  
President of Senate.

Attest:

W. BAUSMAN, Sec'y Senate.

## IN SENATE.

FRIDAY, February 1, 1856.

Senate met pursuant to adjournment.

Lient. Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Roll called, and the following Senator found to be absent:

Mr. Dosh.

Journal of yesterday read and approved.

According to previous notice, Mr. Coffroth introduced a bill for an Act in relation to the sureties on the official bond of H. K. Swope, late Sheriff of Tuolumne county.

Read a first and second time, and referred to the Committee on Claims.

Leave being granted, Mr. Norman introduced a bill for an Act to punish and discourage the practice of Polygamy.

Read a first and second time, ordered printed, and referred to the Committee on Public Morals and Police.

According to previous notice, Mr. Scellen introduced a bill for an Act to provide for taking the second Census of the State of California.

Read a first and second time, ordered printed, and referred to the Committee on Finance.

Leave being granted, Mr. Coffroth introduced a bill for an Act to change the name of Hamedatha Cecil.

Mr. Shaw moved that the bill for an Act to change the name of Hamedatha Cecil to John Henry Cecil be referred to the Judiciary Committee, with the recommendation that they inquire into the propriety of reporting a bill for a general law authorizing persons to change their names.

The motion was carried, and the bill referred to the Judiciary Committee.

Mr. Tilford presented the following report:



*Mr. President :*

The Committee on Enrollment, on yesterday, presented the Act to amend an Act entitled, an Act to regulate the settlement of the Estates of Deceased Persons, passed May 1st, 1851, to his Excellency, the Governor, for his signature.

Respectfully,

F. TILFORD,  
Chairman.

Mr. Ferguson presented the following report:

*Mr. President :*

The Judiciary Committee, to whom was referred Senate bill No. 30, have had the same under consideration, and recommend the passage of the following substitute.

W. I. FERGUSON,  
Chairman.

On motion, the same was re-committed to the Judiciary Committee.

Mr. Ferguson offered the following report:

*Mr. President :*

The Judiciary Committee, to whom was referred Senate bill, entitled a bill for an Act to amend an Act entitled, an Act concerning the Courts of Justice of this State, and Judicial Officers, passed May 19th, 1853, beg leave to report that they have had the same under consideration, and recommend its passage.

W. I. FERGUSON,  
Chairman.

On motion of Mr. Ashley, the last section of the bill was stricken out.

On motion of Mr. Coffroth, the bill was laid on the table and ordered printed.

Mr. Ferguson offered the following report:

*Mr. President :*

The Judiciary Committee, to whom was referred Assembly bill No. 12, beg leave to report that they have had the same under consideration, and recommend its passage.

W. I. FERGUSON,  
Chairman.

Assembly bill No. 12, an Act concerning Evidence, was taken up.

Read a third time and passed.

Mr. Ferguson presented the following report:

*Mr. President :*

The Judiciary Committee, to whom was referred Senate bill No. 9, beg leave to report that they have had the same under consideration, and recommend its passage.

W. I. FERGUSON.

Chairman.

Senate bill No. 9, an Act amendatory to an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State.

Read a third time, and passed.

Mr. Ferguson presented the following report:

*Mr. President :*

The Judiciary Committee, to whom was referred Assembly bill No. 7, beg leave to report that they have had the same under consideration, and recommend its passage.

W. I. FERGUSON,

Chairman.

Assembly bill No. 7, an Act to change the name of Abisha Washburn Hough to Andrew Watson Hough, was taken up.

Referred back to the Judiciary Committee.

The following message was received from His Excellency the Governor:

EXECUTIVE DEPARTMENT. )  
February 1, 1856. }

*To the Hon. the Senate of California :*

I have this day approved an Act entitled an Act to amend an Act entitled an Act to regulate the Settlement of the Estates of Deceased Persons, passed May 1, 1851.

I have the honor to be,

Your obedient servant,

J. NEELY JOHNSON.

The following report was received from the Controller of State:

OFFICE OF CONTROLLER OF STATE. }  
 Sacramento, Feb. 1, 1856. }

To the Hon. R. M. ANDERSON,  
*President of the Senate:*

SIR:

In answer to a resolution of your honorable body, passed January 19, 1856, requesting the Controller of State to report deficiencies, and the amount required to be appropriated to meet the same, I have the honor to transmit the following statement of bills on file in this office, together with an estimate of the total deficiencies which have accrued up to the first day of February, 1856, and for which no appropriations have been made.

	Amount of Bills on File	Estimated Amount of Deficiencies.
For State Printing and Paper for the same, -	\$ 60,000 00	\$ 65,000 00
Official Advertisements, - - -	33,600 00	40,000 00
Transportation of Prisoners. - -	6,800 00	15,000 00
"    Insane, - - -	2,325 00	2,325 00
Fees of Counsel employed by Board of Land Commissioners, - - -	2,000 00	2,000 00
Supplies furnished State Prison, - -	4,800 00	50,000 00
Fitting up Capitol, and articles furnished for use of Legislature, - - -	13,296 00	13,296 00
Costs of Suits where the State is party, -	1,970 20	1,970 20
Rent of Rooms for State Library, - -	1,350 00	1,350 00
Translating Laws and Executive and Legis- lative Documents, - - -	2,659 00	2,659 00
Indexing Laws of 1854, - - -	300 00	300 00
Pay of President <i>pro tem</i> of Senate Sessions 1852, '53 and '54, - - -	1,532 00	1,532 00
Contingents of Legislature, - - -	10,600 00	10,600 00
"    Supreme Court, - - -	11,620 00	11,620 00
"    State Library, - - -	138 00	138 00
"    Governor's Office, - - -	650 00	650 00
"    Controller's " - - -	2,835 00	2,835 00
"    Treasurer's " - - -	2,151 00	2,151 00
"    Secretary of State's Office, -	570 00	570 00
"    Superintendent of Public In- struction's Office, - - -	2,565 00	2,565 00
"    Attorney General's Office, -	800 00	800 00
"    Surveyor General's Office, -	24,000 00	24,000 00
"    Quartermaster Gen'l's Office,	893 00	893 00
	\$187,454 20	\$262,254 20

The amount due for supplies, &c., furnished State Prison is estimated at \$50,000; but, as the Controller has no positive evidence upon which to base estimates, it must be considered very imperfect and unsatisfactory. The deficiencies for contingent expenses of State officers, as contained in the foregoing state-

ment, are estimated and reported to this office by the several departments, respectively.

I have the honor to be, very respectfully,  
Your obt<sup>s</sup> serv<sup>t</sup>,

G. W. WHITMAN:  
Controller of State.

Read and referred to Committee on Finance.

Mr Fiske gave notice that he would, at an early day, introduce a bill for the better observance of the Sabbath.

Mr. Ferguson gave notice that he would, at an early day, introduce a bill entitled, an Act amendatory of an Act concerning the Fees of Public Administrators.

Mr. Coffroth moved that Senate bill No. 4, a bill for an Act recommending to the electors to vote for or against a Convention to revise and change the Constitution of this State, be printed.

Carried.

The following message was received from the Assembly:

FEBRUARY, 1, 1856.

*Mr. President :*

I am directed to inform the Senate that the Assembly, on yesterday, refused to concur in Senate amendments to Assembly bill No. 5, a bill to regulate the *per diem* allowance of officers of the Senate and Assembly, and to repeal the existing laws relating thereto.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Mr. Ashley moved that a Committee of Conference, to consist of three, be appointed by the Senate, to act with a like committee on the part of the Assembly, to take the bill under consideration.

Carried.

The Chair appointed Messrs. Ashley, Coffroth and Tilford as said committee.

The following communication was received from the Secretary of State :



OFFICE OF SECRETARY OF STATE, }  
Sacramento, Feb. 1, 1856. }

*To the Honorable the Senate and Assembly, of the State of California :*

In reply to a concurrent resolution of January, the 31st, 1856, in relation to the Muster Rolls of the different Volunteer Companies called into service for the defence of the State against Indian hostilities, I have to state that the vouchers and papers relating to the same are not in my custody, but in the custody of the Controller of State.

Most respectfully,  
Your obedient servant,

DAVID F. DOUGLASS,  
Secretary of State.

On motion, the Senate adjourned.

R. M. ANDERSON,  
President of Senate.

Attest :

W. BAUSMAN,  
Secretary Senate.

### IN SENATE.

SATURDAY, February 2, 1856.

Senate met pursuant to adjournment.

Lieut. Governor in the chair.

Prayer by Rev. Mr. Pratt.

Roll called, and the following Senators found to be absent:

Messrs. Coffroth, Cosby, McConn and Waite.

On motion, temporary leave of absence was granted to Messrs. Crandall and Ferguson.

Journal of yesterday read and approved.

Leave being granted, Mr. Heinzelman introduced a bill for an Act to amend an act entitled an Act concerning fraudulent conveyances and contracts, passed April 19th, 1850.

Read a first and second time, ordered printed, and referred to the Judiciary Committee.

Mr. Mandeville presented the following report:

*Mr. President :*

The Committee on Claims, to whom was referred Senate bill No. 37, an Act in relation to the sureties on the official bond of H. K. Swepe, late Sheriff of Tuolumne county, beg leave to report the same back to the Senate, and recommend its passage.

J. W. MANDEVILLE.

Senate bill No. 37 was then taken up, considered, and ordered to be engrossed for a third reading on Monday.

Mr. Dosh gave notice that he would, on some future day, introduce an Act for the payment of salaries of District Judges throughout this State.

Mr. French offered the following report:

POST OFFICE, }  
Sacramento City, Feb. 1, 1856. }

SENATE OF THE STATE OF CALIFORNIA,

To FERRIS FORMAN, Postmaster, Dr.

1856.

January 17th, to Postage on Letters,	-	-	-	-	-	\$3 50
" 18, " " " "	-	-	-	-	-	2 50
" 19, " " " "	-	-	-	-	-	2 70
" 20, " " " "	-	-	-	-	-	2 00
" 21, " " " "	-	-	-	-	-	1 75
" 22, " " " "	-	-	-	-	-	3 50
" 23, " " " "	-	-	-	-	-	4 50
" 24, " " " "	-	-	-	-	-	2 75
" 25, " " " "	-	-	-	-	-	3 75
" 26, " " " "	-	-	-	-	-	1 50
" 28, " " " "	-	-	-	-	-	3 50
" 29, " " " "	-	-	-	-	-	4 25
" 30, " " " "	-	-	-	-	-	2 75
" 31, " " " "	-	-	-	-	-	4 00
To postage on 3,762 newspapers from the 7th to 31st January, at 1c. each,	-	-	-	-	-	37 62
To postage on 1,105 pamphlets from 7th to 31st January, at 2½c each.	-	-	-	-	-	27 62

\$108 20

**Referred to the Committee on Contingent Expenses.**

Mr. Heintzelman gave notice, that on Monday next he would introduce a bill making appropriations to defray the contingent expenses of the Senate and Assembly.

Mr. Coffroth presented the following report:

*Mr. President :*

The Committee on Corporations, to whom was referred an Act amendatory of an Act to provide for the Incorporation of Wagon Road Companies, passed April 22, 1853, respectfully report back the same, and recommend its adoption,

**JAMES W. COFFROTH,**

Chairman.

The bill was read a third time, and passed.

Mr. Burnett presented the following report:

*Mr. President :*

The Delegation from Yuba county, to whom was referred Senate bill No. 33, for an Act to provide for Funding the Floating Debt of the City of Marysville, and for the extinguishment thereof, and for other purposes, beg leave to report the same to the Senate, with accompanying amendments, and recommend its passage.

**W. C. BURNETT,**

**CHAS. E. LIPPINCOTT,**

**P. C. RUST.**

The report was accepted, the amendments concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Hawthorne offered the following report:

*Mr. President :*

The majority of the Committee on Claims, to whom was referred the matter of the petition of Wm. A. Cornwall, beg leave to report the same back to the Senate, together with sundry papers that have been submitted to the Committee, and ask the favorable consideration of the Senate.

Your Committee have also heard the statements of Messrs. Biven and O'Brien, who were Clerks under Mr. Cornwall; and their statements of the facts agree substantially with that of Mr. Cornwall.

All of which is respectfully submitted.

**J. C. HAWTHORNE,**

**J. W. MANDEVILLE.**

To the Hon. Messrs. Ashley, Hawthorne, and Mandeville, Committee on Claims of the Senate :

*Gentlemen :*

In relation to the petition which I have presented to the Senate, for compensation for copying the Journals of last year, permit me to make a statement, which I believe will be corroborated by the State Printer, and by all the Assistant Clerks who aided me in the discharge of my duties.

First. The original Journals were never delivered to the State Printer; but copies were always made for his use during the time I was engaged as Secretary.

Second. In preparing copies, and in comparing them with the original Journals, I was cordially and cheerfully assisted by Messrs. Biven and O'Brien, and to Mr. Biven I was mainly indebted for the great care and labor evinced in the preparation of the copies of the Journals of the Joint Legislative Convention last year. He was indefatigable in the discharge of his duties. It often happened in the course of the session, that the Assistant Clerks were employed till a late hour in the evening in copying bills, reports, resolutions, &c. On those occasions, they had no leisure to assist me in the discharge of duties which legislatively devolved upon me, and the copies of the Journals were made by me without any assistance whatever. I think the copies of the Journals now in the possession of the State Printer, *in my own handwriting*, will corroborate my statement.

Respectfully,

Your friend and humble servant.

WM. A. CORNWALL.

P. S. The Journals, as copied, were always revised by me. It may be proper for me to add, that I do not know whether after I left the original Journals were delivered to the Printer or not.

STATE OF CALIFORNIA, }  
County of Sacramento. }

Wm H. Prindle, foreman of the Democratic State Journal Printing Office, being duly sworn, deposes and says, in addition to the affidavit made by the deponent this day, that deponent is acquainted with the handwriting of W. A. Cornwall, that the copies of the Journals of the Senate of 1855, from January 5th until 22d of March, 1855, which were delivered at said office for the State Printer, were generally in the handwriting of said Cornwall; that this deponent verily believes that at least two-thirds of said copies are in the handwriting of Mr. Cornwall, and that others contain evidence of interlineations and corrections made by him in revising and comparing them with the originals.

WM. H. PRINDLE.

Sworn to and subscribed before me this first day of February, 1856.

C. COLE,  
Notary Public, Sac. Co.



STATE OF CALIFORNIA, }  
 County of Sacramento. }

Wm. H. Prindle being duly sworn, deposes and says, that he is now and during the session of the Senate of 1885, was foreman of the Job Printing Office connected with the Democratic State Journal newspaper in Sacramento; that the State Printing was executed in said office during the year 1855, aforesaid; and that the Journals of the proceedings of the Senate at the session of 1855, were printed in said office; that the manuscript copies of said Journals were generally brought to said office and delivered to deponent by Wm. A. Cornwall, the Secretary of the Senate; that said Cornwall acted as such Secretary from the 5th of January till the 22d March 1855, and during that time, deponent avers, that the original copies of said Journals were never delivered or received at said office, but that copies of said Journals were always made and delivered at said office during the time aforesaid.

WM. H. PRINDLE.

Subscribed and sworn to before me this first day of February, 1855.

C. COLE,  
 Notary Public, Sac. Co.

SACRAMENTO, Jan. 31, 1856.

SIR—

Having been called upon relative to the fact as to whether in my capacity as State Printer, I was furnished with the original or copies of the proceedings of the Senate, during the term of Mr. W. A. Cornwall as Secretary of the Senate, I would state that Mr. Cornwall invariably furnished me with copies for printing, a portion, or the whole of which, I have now on hand.

Respectfully,

B. B. REDDING.

*To Chairman of Committee on Claims Senate.*

On motion of Mr. Mandeville, the resolution relating to the payment of Mr. Cornwall was taken up.

Mr. Ashley moved that the same be indefinitely postponed.

Mr. Coffroth moved a call of the Senate.

Carried.

Mr. De la Guerra was found to be absent.

On motion, further proceedings under the call were dispensed with.

On the question to indefinitely postpone, the ayes and noes were demanded by Messrs. Ashley, McCoun, and Scellen, with the following result:

## AYES.

Messrs. Ashley, Burnett, Burton, Coffroth, Cosby, Crandall, Dosh, Hook, McCallum, McConn, McNeill, Norman, Rust, Seelien, Shaw and Waite—16.

## NOES.

Messrs. Ferguson, Flint, French, Gove, Hawthorne, Heintzelman, Lippincott, Mandeville, Tiltford and Wilson—11.

So the motion prevailed.

Mr. Burnett gave notice that on Monday, he would move a reconsideration of the vote just taken.

The following message was received from the Assembly :

February 2, 1856.

*Mr. President :*

I am directed to inform the Senate that the Assembly passed on yesterday a concurrent resolution granting leave of absence to Solomon Heydenfeldt, one of the Justices of the Supreme Court, for four months.

The resolution is herewith submitted.

Also, passed Assembly concurrent resolution in relation to the appointment of a joint committee of the two houses to examine and report upon the financial transactions of the Treasury Department of this State during the term of office of the late State Treasurer.

The resolution is herewith submitted.

The committee on the part of the Assembly are Messrs. Oxley, Taylor and Dustin.

Also, passed Assembly concurrent resolution in relation to auditing certain printing accounts, for the publication of the amendments to the Constitution.

All of which are respectfully submitted.

J. M. ANDERSON,  
Clerk of Assembly.

The following resolution was concurred in:

*Resolved*, By the Assembly, the Senate concurring, that a joint committee, composed of three members of the Assembly, and two members of the Senate, be appointed to examine and report upon the financial transactions of the Treasury Department of this State, during the term of office of the late State Treasurer, and that said committee be fully authorized and empowered to cancel all

uncancelled vouchers pertaining to the same, and to send for persons and papers, if necessary.

The Senate concurred in the following resolution:

*Resolved*, The Senate concurring, That the Controller of State be, and he is hereby instructed not to audit any accounts, or issue any warrants, for the publication, by any newspaper printed in this State, of the amendments to the Constitution, passed at the sixth session of the Legislature of California, for any time other than three months next preceding the 5th day of September, 1855; nor to audit any account, or issue any warrants for the publication by any newspaper, of the said amendments, unless such newspaper shall have published in full all the said amendments, including the amendment to section 3d of article 11th of the Constitution, which were passed at the sixth session of the Legislature of this State.

The Senate then took up the following resolution:

*Resolved*, By the Assembly, the Senate concurring, That Solomon Heydenfeldt, one of the Justices of the Supreme Court, has the consent of the Legislature to be absent from the State for the space of four months.

Mr. French presented the following letter:

SACRAMENTO, February 1, 1856.

The undersigned Chief Justice and Associate Justice of the Supreme Court of the State of California give their consent that their Associate, Mr. Justice Heydenfeldt may be absent from the State for a limited period.

They will cheerfully undertake to perform all the duties of the Court during his absence, and express their confident assurance that neither the business of the Court will be delayed, nor the public interests suffer any detriment.

H. C. MURRAY,  
D. S. TERRY.

On the motion to concur in the passage of the resolution, the ayes and noes were demanded by Messrs. Ferguson, Flint and French, with the following result:

AYES.

Messrs. Burnett, Coffroth, Cosby, De la Guerra, Ferguson, Flint, French, Gove, Hawthorne, Heintzelman, Mandeville, McCoun, Norman, Rust, Scellen and Wilson—16.

NOES.

Messrs. Ashley, Burton, Crandall, Day, Dosh, Hook, McCallum, Shaw and Waite—9.

So the motion prevailed.

Mr. French moved a reconsideration of the vote just taken.

Mr. Norman moved to lay the motion to reconsider on the table.

Carried.

Leave being granted, Mr. Tilford introduced a bill for an Act to amend an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1850.

Read a first and second time, ordered printed and referred to the Judiciary Committee.

Leave being granted, Mr. Tilford introduced a bill for an Act amendatory of and supplementary to an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1850.

Read a first and second time, ordered printed and referred to the Judiciary Committee.

Mr. Day gave notice that he would on Wednesday next, or at an early day thereafter, introduce a bill for the construction of Immigrant Wagon Roads across the Sierra Nevada, and for the submission of the law to the people for their approval.

Mr. Hawthorne presented the following communication from the Department of Public Instruction:

HON. J. C. HAWTHORNE,

*Chairman Senate Committee on Public Expenditures :*

SIR:

In compliance with the provisions of an Act making Appropriations to defray the ordinary Civil Expenses of the Government of the State, from the first day of February, 1855, to the first day of February, A. D. 1856, approved April 27, 1855, I forward a statement, under official oath of office, of the manner in which the Contingent Fund, appropriated for the Office of the Superintendent of Public Instruction, has been expended, viz :

Paid Capt. Robbins for hauling, and Julius Humphreys for wood, per voucher filed in Controller's office, - - - - -	\$44 00
Expenses of attending semi-annual Examination of Schools at San Francisco, - - - - -	36 00
Mr. Gibbons, sweeping, fire making and other cares of office and li- brary, and folding documents, for three months, per voucher, as above named, - - - - -	150 00
John Harding, for portorage, - - - - -	2 00
Jesse Sawyer, (Adams & Co.'s Express,) per voucher, as above named, - - - - -	35 50
Estate of J. C. Gulick, (Wells, Fargo & Co.) per voucher, as above named, - - - - -	61 25



Mr. Gibbons, services as above named, three months, as per voucher,	150 00
T. T. Hooper, Postmaster Benicia, - - - - -	41 00
John Nash, cutting and piling wood and cleaning yard, per voucher, as above named, - - - - -	33 00
Julius Humphreys, wood, - - - - -	14 00
Miller & Co., candles, \$19 69 and \$28 40, per voucher as above, -	48 09
Mr. Gibbons, services as above named, per voucher, as above stated, three and a half months, - - - - -	175 00
T. M. Folger, work on shelves of library, as per voucher, as above,	5 00
Traveling expenses to San Francisco Schools and Oakland College,	39 00
John Nash and Richard Carr for wood, and sawing, splitting, piling, &c, per voucher, as above stated, - - - - -	68 00
T. T. Hooper, Postmaster, per voucher, as above stated, - - -	36 00
T. M. Jones, (Pacific Express,) - - - - -	61 76
Amount of appropriation, - - - - -	\$1,000 00

There remains due and unpaid the Express account of Shirley & Stone, (Wells, Fargo & Co.,) estimated at \$75; three months' postage account, estimated at \$75; clerical services of Judson Flatt and Anthony Hubbs, at different periods of the year, as required, making a total of three and a half months, \$945; bill of fuel for January, estimated at \$50; unpaid account of Moore, Allen & Co., for candles, two boxes, about \$45; office and library room rent, at \$75—none of which has been paid the past year. There may be, also, unpaid bills for stationery. It became necessary, also, to give publicity, by advertisement, to some matter deemed important, and none of these have been paid. I estimate the amount of these publications chargeable to the department, if approved by the Legislature, to be about two hundred and fifty dollars. The entire amount of the contingent expenses of this office unpaid, I estimate at twenty-four hundred to twenty-six hundred dollars. My estimate to the Controller was \$2,565. Some of the items have since been decreased, and some new charges have been presented, which were overlooked. The contingent expenses of this office, as will appear by reference to former years, cannot, if effectually prosecuted, be sustained short of \$4,000, which, unfortunately, has but really paid \$2,000 to \$2,500, cash expenditures.

Very respectfully,

Your obt' servant,

PAUL K. HUBBS,  
Sup't of Public Instruction.

DEPARTMENT OF PUBLIC INSTRUCTION, Benicia, Jan. 31, 1856.

Referred to Committee on Public Expenditures.

Mr. French moved to take from the table the motion to reconsider the vote on the Assembly concurrent resolution, granting leave of absence to the Hon. Solomon Heydenfeldt.

On motion of Mr. Mandeville, the Senate adjourned.

R. M. ANDERSON,  
President of Senate.

Attest,

W. BAUSMAN,

Sec'y of Senate.

## IN SENATE.

MONDAY, February 4, 1856.

Senate met pursuant to adjournment.

Lieut. Governor in the Chair.

Prayer by the Rev. Mr. Pratt.

Roll called and following Senators found to be absent.

Messrs. Ferguson and McCoun.

Journal of Saturday read and approved.

On motion of Mr. Shaw, Mr. Tilford was granted leave of absence for one day.

The Chair appointed Messrs. Burton and Ashley the Senate Committee to act on the Assembly Concurrent Resolution in relation to the office of the late State Treasurer.

Mr. Burnett presented the following petition:

*To the Hon. the Senate and Assembly of the State of California :*

(GREETING:

The undersigned, residents and citizens of the city of Marysville and vicinity, beg leave respectfully to represent: that the present Statute of Limitations, limiting the commencement of actions upon open accounts, to *one* year, and upon liquidated indebtedness, in writing, to four years after their maturity, operates as an extreme hardship to the mercantile portion of the community throughout the State: That, in the opinion of your petitioners, the circumstances which called for the establishment of so short a period at the time the present law was enacted, have long since passed away, and your petitioners respectfully ask that the present Statute may be so amended as to extend the period of limitation upon open accounts to three years, and upon written obligations, not under seal, to six years.

And your petitioners will ever pray.

HARRINGTON & HAZELTINE,  
F. F. LOW,  
L. HAYWARD,

And one hundred and twenty others.

MARYSVILLE, Jan 24, 1856.

Referred to the Judiciary Committee.

Mr. Burnett presented the following remonstrance from citizens of Yuba county.

*To the Senate and Assembly of the State of California :*

The undersigned remonstrants respectfully represent, that they are residents of Yuba county, in said State, and voters therein: that one Mix Smith, also resides in said county, and has for a long time so resided therein; furthermore, that he, the aforesaid Mix Smith, has occupied high official station in said Yuba county, and has ever possessed the highest confidence of his fellow citizens.

The undersigned further represent unto your honorable body, that a sense of loneliness and desolation would pervade this county was the name of Mix Smith to be blotted out forever. We cannot permit it to be done without entering our protest against it: We therefore earnestly remonstrate against the passage of the bill originated by Mr. Burnett, of this county, to change the name of Mix Smith to that of George Washington Smith.

And, as in duty bound, will ever so remonstrate.

W. W. DOBBINS,

JAS. G. STEBBINS,

And forty-two others.

MARYSVILLE, Yuba Co, Feb. 1, 1856.

Leave being granted. Mr. Heintzelman introduced a bill for an Act in relation to the Contingent Expenses of the Legislature.

Read a first and second time, and referred to the Committee on Finance.

Mr. Coffroth gave notice that he would, at an early day, introduce a bill amendatory of the General Incorporation Law, relating to Telegraph Companies.

Mr. Flint presents the following report:

*Mr. President :*

Your Committee on Contingent Expenses have examined the bill of Ferris Forman, Esq., for postage, from January 17th to 31st, amounting to \$108 50, and have added the difference between the cash and par value of scrip, amounting to 25 per cent., making a total of \$135 25, and recommend that the same be paid.

WILSON FLINT,

Chairman.

Mr. Flint offered the following resolution:

*Resolved*, That the Controller of State is hereby authorized to draw his Warrant on the Treasurer of State in favor of Ferris Forman for the sum of one hundred and thirty-five 25-100 dollars, the same to be paid out of the Contingent Fund of the Senate.

Adopted.

Mr. McCallum presented the following report:

*Mr. President :*

The Committee on engrossed bills have examined Senate bill No. 33, an Act to provide for funding the floating debt of the city of Marysville, and for the extinguishment thereof, and other purposes, and find the same correctly engrossed.

J. G. McCALLUM,  
Chairman

*Mr. President:*

The Committee on Engrossed bills, have examined Senate bill No. 37, an Act in relation to the Sureties on the Official bond of H. K. Swope, late Sheriff of Tuolumne county.

Also, Senate bill No. 26, an Act amendatory of an Act entitled an Act to provide for the incorporation of Wagon Road Companies, passed April 22d, 1853.

And find the same correctly engrossed.

J. G. McCALLUM,  
Chairman.

Mr. Burton offered the following resolution:

*Resolved*, That the Sergeant-at-Arms be authorized to contract with the different Express Companies for forwarding the mail matter for Senators Wilson and De la Guerra, provided the account be settled weekly.

Mr. Ferguson offered the following substitute:

*Resolved*, That the Sergeant-at-Arms of the Senate be authorized to contract with the Express Companies for the transportation of letters, papers and public documents for Senators ; *Provided*, the same is arranged at no greater cost than the same could be done through the Post Office.

Mr. Lippincott offered the following as a substitute:

*Resolved*, That the Sergeant-at-Arms be instructed to make arrangements for the transmission of mail matter for the benefit of such Senators as will otherwise be unable to communicate easily and safely with their constituents.

Mr. Ashley offered the following amendment:

*Provided*, The charges for transmission of matter by Express shall not exceed the rates by mail; and, also, that the Express Companies shall settle weekly with the Sergeant-at-Arms.

Accepted.

On the question of adopting the substitute of Mr. Lippincott, as amended,



the ayes and noes were demanded by Messrs. French, Coffroth and Rust, with the following result:

## AYES.

Messrs. Coffroth, Cosby, Crandall, Dosh, Ferguson, Flint, Gove, Hawks, Hawthorne, Lippincott, McCallum, McCoun, Rust, and Wilson—14.

## NOES.

Messrs. Ashley, Burnett, Burton, Day, De La Guerra, French, Heintzelman, Hook, Mandeville, McNeill, Scellen, Shaw and Waite—13.

So the substitute of Mr. Lippincott, as amended, was adopted.

Mr. Hawks demanded the previous question.

Sustained.

Mr. Heintzelman rose to the point of order, that the subject matter of the substitute and amendment had been indefinitely postponed on the 25th of January.

The Chair decided that the substitute embraced new business, and was therefore in order.

Mr. Heintzelman appealed from the decision of the Chair.

The question being, "shall the decision of the Chair stand as the judgment of the Senate?"

Decided in the affirmative by the following vote:

## AYES.

Messrs. Ashley, Burnett, Coffroth, Cosby, Crandall, Dosh, Ferguson, Flint, Hawks, Hawthorne, Lippincott, McCallum, McCoun, Rust and Wilson—15.

## NOES.

Messrs. Burton, Day, De La Guerra, French, Gove, Heintzelman, Hook, McNeill, Norman, Scellen, Shaw, and Waite—12.

On the motion of Mr. French to indefinitely postpone the subject, the ayes and noes were demanded by Messrs. French, Ashley and Ferguson, with the following result:

## AYES.

Messrs. Ashley, Burnett, Burton, Coffroth, De La Guerra, French, Gove, Heintzelman, Hook, Mandeville, McCallum, McNeill, Norman, Scellen, Shaw and Waite—16.

## NOES.

Messrs. Cosby, Crandall, Day, Dosh, Ferguson, Flint, Hawks, Hawthorne, Lippincott, McCoun, Rust and Wilson—12.

So the motion prevailed and the subject was indefinitely postponed.

Mr. Coffroth gave notice that he would move a reconsideration of the vote just taken to-morrow.

Mr. Norman gave notice that he would, at an early day, introduce a bill to fix the rates for carrying freight and passengers by the Steam Navigation Companies of this State.

Mr. Cosby offered the following resolution:

*Resolved*, That the Controller of State be requested to deliver to the Secretary of State the Muster Rolls, papers and vouchers of the different Volunteer Companies, in order that he may comply with the Concurrent Resolution, passed January 31, 1856.

Adopted.

The following message was received from the Assembly:

FEBRUARY 4, 1856.

*Mr. President:*

I am directed to inform the Senate that the Assembly passed, on the 2d day of this month, a Concurrent Resolution instructing our Senators and members in Congress to use their utmost endeavors to have an Act passed securing to our State the amount of our War Indebtedness, etc.

The resolution is herewith annexed, and the concurrence of the Senate requested.

Also, passed Assembly bill No. 44, an Act to locate the Seat of Justice of Alameda County, and amendatory of an Act to create the County of Alameda and establish the Seat of Justice therein, to define its boundaries and provide for its organization.

Respectfully,

J. M. ANDERSON,  
Clerk of Assembly.

The following resolution was taken up:

*Resolved*, (by the Assembly, the Senate concurring,) That our Senators and Members in Congress be instructed and requested to use their utmost endeavors to have an Act passed through Congress, at this present session, securing to this State the amount of our War Indebtedness, and declaring thereby the face of our warrants and bonds and the interest thereon accrued, as the basis of said

amount, as said amount is, in reality, the sum for which the faith of this State is pledged.

Concurred in.

Assembly bill No. 44, an Act to locate the Seat of Justice of Alameda County, and amendatory of an Act to create the County of Alameda and establish the Seat of Justice therein, to define its boundaries and to provide for its organization, was taken up.

Read first time and laid over under the rule.

Mr. Hawks offered the following resolution:

*Resolved*, That the Select Committee on Public Land Sales be empowered to send for persons and papers.

Adopted.

According to previous notice, Mr. Norman moved a reconsideration of the vote by which the Assembly concurrent resolution was passed, granting four months' leave of absence to Hon. Solomon Heydenfeldt.

Mr. French moved a call of the Senate.

Carried, and afterwards withdrawn.

On the motion to reconsider, the ayes and noes were demanded by Messrs. Hawks, French and Ferguson, with the following result:

AYES.

Messrs. Ashley, Burton, Crandall, Hook, Norman, Shaw and Waite—7.

NOES.

Messrs. Barnett, Coffroth, Cosby, De la Guerra, Ferguson, Elliot, French, Gove, Hawks, Hawthorne, Heintzelman, Lippincott, Mandeville, McCallum, McCoun, McNeill, Rust, Scellen and Wilson—19.

So the Senate refused to reconsider the vote.

Mr. McCoun presented the following account:

SAN FRANCISCO, December 20, 1851.

SUPERINTENDENT OF PUBLIC BUILDINGS FOR THE STATE OF CALIFORNIA,

Bought of T. J. A. CHAMBERS & Co., }  
For the use of the State at Vallejo. }

8 Chandeliers, including 28 shades, 33 chimneys, each cleaned,  
4 burners, for - - - - - \$800 00  
28s

Amount brought forward, -	-	-	i	-	\$800 00
1 Chandelier, 3 burners, 7 shades	-	-	-	-	75 00
1 do 2 do 6 chimneys, 4 gross lamp wick	-	-	-	-	50 00
1 bbl Lamp Oil, 30 galls. at \$2,	-	-	-	-	60 00
Freight on Oil	-	-	-	-	2 50
Paid Freight to Vallejo and for hanging Chandeliers,	-	-	-	-	164 75

---

\$1152 25

Interest on the above at 10 per cent. per annum, from Dec. 20, 1851 to ———

Col. McCoun,

Dear Sir:

I send the above memorandum of goods contained in the claim sworn to by Chambers last year, and approved by Gen. Estell.

I hope you may find and present that. If you cannot find it, I will make out another bill and append any affidavit thereto that you may think necessary.

Yours truly,

C. J. EATON.

Jan. 2, 1856.

Referred to the Committee on Claims.

According to previous notice, Mr. Burnett moved a reconsideration of the vote by which the resolution was indefinitely postponed, proposing to pay Wm. A. Cornwall for certain moneys rendered as Secretary of the Senate.

Upon which, the ayes and noes were demanded by Messrs. Ashley, Burnett and McCoun, with the following result:

AYES.

Messrs. Burnett, Coffroth, Day, Ferguson, Flint, French, Gove, Hawks, Hawthorne, Heintzman, Lippincott, Mandeville, Rust and Wilson—11.

NOES.

Messrs. Ashley, Burton, Cosby, Crandall, Dosh, Hook, McCallum, McCoun, McNeill, Norman, Scellen, Shaw and Waite—13.

So the motion prevailed.

Mr. Coffroth moved to lay the subject on the table.

Lost.

Mr. Ashley moved that the resolution be indefinitely postponed.

Upon which, the ayes and noes were demanded by Messrs. Ashley, Ferguson, and French, with the following result:



## AYES.

Messrs. Ashley, Burton, Cosby, Crandall, Flint, Hook, McCallum, McConn, McNeill, Norman, Scellen, Shaw, Waite and Wilson—14.

## NOES.

Messrs. Burnett, Day, De la Guerra, Dosh, Ferguson, French, Gove, Hawks, Hawthorne, Heintzelman, Lippincott, Mandeville and Rust—13.

So the resolution was indefinitely postponed.

The following message was received from the Assembly.

February 4, 1856.

*Mr. President:*

I am directed to inform the Senate that the Assembly passed this day Senate bill No. 33, "An Act to provide for funding the Floating Debt of the city of Marysville, and for the extinguishment thereof and other purposes."

Respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

The following message was received from the Assembly :

February 4, 1856.

*Mr. President :*

I am directed to inform the Senate that the Assembly has passed the following Assembly bills, viz :

Bill No. 3, an Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial officers, passed May 19, 1853.

Also, bill No. 8, an Act entitled an Act to amend an Act in relation to personal mortgages in certain cases, passed May 11th, 1853.

Also, bill No. 20, an Act entitled an Act in relation to public officers.

Respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

Assembly bill No. 3, an Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19th, 1853, was taken up.

Read first and second time, and referred to Judiciary Committee.

Assembly bill No. 8, an Act entitled an Act in relation to personal mortgages in certain cases, passed May 11th, 1853, was taken up.

Read a first and second time, and referred to Judiciary Committee.

Assembly bill No. 20, an Act entitled an Act in relation to public officers, was taken up.

Read a second time, and referred to Judiciary Committee.

On motion of Mr. French, the Senate took up Assembly bill No. 44.

An Act to locate the seat of Justice of Alameda county, and amendatory of an Act to create the county of Alameda, and establish the seat of Justice therein, to define its boundaries and provide for its organization.

Read a second time, and referred to Senator Day.

Mr. Day offered the following resolution:

*Resolved*, That the Sergeant-at-Arms be instructed to limit the number of Gas Burners lighted in the Senate Chamber to two, on evenings when the Senate is not in session.

Adopted.

On motion of Mr. Ashley, the resolution in possession of the Judiciary Committee, relating to amendments of the Constitution, was ordered printed.

Mr. Seellen gave notice that he would at an early day, introduce a bill to amend the Homestead Act.

On motion, the Senate adjourned.

R. M. ANDERSON,  
President of Senate.

Attest :

W. BAUSMAN, Secretary of Senate.

## IN SENATE.

TUESDAY, February 5, 1856.

Senate met pursuant to adjournment.

Lieut. Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Roll called and the following senators found to be absent:

Messrs. De la Guerra, Hawks, Hook, and Lippiacott.

Journal of yesterday read and approved.

Mr. Fiske presented the following petition:

*To the Hon. Legislature of the State of California :*

Your petitioners would respectfully represent, that they believe it to be for the best interest of all classes of community, that a law be passed for the better observance of the Sabbath. We further believe it to be for the best interest of the State that such a law be passed. We therefore ask of your honorable body the passage of such laws for the better observance of the Sabbath, as you, in your wisdom, may see proper to enact, and we, as in duty bound, will ever pray.

Signed,

C. P. JACKSON,

And 103 others.

EL DORADO, January 29, 1856.

Referred to Committee on Public Morals and Police.

Mr. Colbroth, according to previous notice, introduced a bill for an Act amendatory of an Act concerning Corporations, passed April 22, 1850.

Read a first and second time, and referred to the Committee on Corporations.

Mr. Heintzelman introduced a bill for an Act to settle the Boundary Line between the Counties of Marin and Sonoma.

Read a first and second times, rules suspended, considered engrossed, read a third time, and passed.

Mr. Seellen introduced Senate bill No. 49, entitled an Act to change the name of Charles S. Clark to that of Charles S. Still.

Read a first and second times, and referred to the Committee on the Judiciary.

Mr. Coffroth, according to previous notice, introduced Senate bill No. 48, an Act amendatory of an Act to provide Revenue for the Support of the Government of this State, passed May 15, 1855.

Read a first and second times, and referred to the Committee on Finance.

Mr. Waite introduced Senate bill No. 50, entitled an Act to repeal an Act entitled an Act concerning Fees of Public Administrators, passed April 28, 1851, and for other purposes.

Read first and second times, and referred to Judiciary Committee.

Mr. Rust gave notice, that at an early day, he would introduce a bill for an Act to amend an Act concerning Corporations, passed April 22, 1850, in so far as relates to Steam Navigation Companies.

Mr. Tilford gave notice, that on to-morrow, he would introduce into the Senate a bill for an Act amendatory of and supplementary to an Act entitled an Act to regulate the Estates of Deceased Persons, passed May 1, 1851.

Mr. Crandall gave notice that he would, at an early day, introduce a bill to amend an Act entitled an Act to provide for the Ascertainment of the Indebtedness of Calaveras County, prior to the Organization of Amador County, and to provide for the payment of that portion due from Amador County to the County of Calaveras.

Mr. Ferguson presented the following report:

*Mr. President:*

The Judiciary Committee, to whom was referred Senate bill No. 36, have had the same under consideration, and beg leave to offer the following substitute, and recommend its passage.

W. I. FERGUSON,

Chairman.

The Senate adopted the substitute, and amended the same in Committee of the Whole.

Mr. Shaw moved that the bill be referred back to the Judiciary Committee, and that said committee be requested to introduce, within ten days, a bill amendatory of the law concerning Attachments, as applicable to growing crops.

Agreed to.

Mr. Ferguson presented the following report:

*Mr. President:*

The Judiciary Committee, to whom was referred Senate bill No. 27, beg leave



to report that they have had the same under consideration, and report the same back to the Senate, and recommend its indefinite postponement.

W. I. FERGUSON,  
Chairman.

On motion, Senate bill No. 27 was made the Special order for Friday at 11½ o'clock.

Mr. Ferguson presented the following report:

*Mr. President :*

The Judiciary Committee, to whom was referred Senate bill No. 28, beg leave to report that they have had the same under consideration, and recommend the passage of the bill, with the following amendments.

W. I. FERGUSON,  
Chairman.

On motion, Senate bill No. 28 was re-committed, with special instructions, to the Judiciary Committee.

The hour for the special order having arrived, being Senate bill No. 4, an Act recommending to the electors to vote for or against a convention to revise and change the Constitution of this State, on motion, the same was made the special order for Thursday next, at 12 o'clock.

Mr. French offered the following report:

*Mr. President :*

The minority of your committee to whom was referred a resolution calling upon the Hon. Judges of the Supreme Court for certain information, &c., beg leave to report: that within the course of the last two years, many of the Acts of the Legislature and clauses of Acts have undergone examination by the Supreme Court of the State, on cases which have come before them for their revision, and, after due deliberation, have been declared by that tribunal to be in conflict with the provisions of the Constitution: That these Acts, or several of them, or clauses of Acts, in the same condition, remain upon the Statute Books of the State, and are calculated to mislead the people both as to rights and remedies of which they claim advantage. Your committee believe that this is more particularly the case on account of the fact that, for more than two years past, the cases decided by the Supreme Court have not been reported and published in the form required by law, and which is necessary to give them the proper degree of authenticity before the public.

The hardship arising from this state of things is peculiarly felt in those counties of the State which are remote from the seat of government, for in them even the newspaper publications of the decisions of the court are never, or very seldom seen.

The local newspapers of the interior counties cannot afford these publications, because their circulation is too limited, and such an undertaking would be to them too burdensome and oppressive.

One of the practicable results of all this may be seen in the fact that a considerable portion of the cases decided by the Supreme Court require no opinion to be written, and are merely settled upon the authority of former decisions, in which the precise question has been already adjudicated.

This gives, at least, a want of knowledge of the decisions, and it further proves what a waste of time and law fees many of our citizens have to make, because the Legislature of the State has had to do its duty, by providing them with the information which every government owes to its citizens, and which, by every principle of free government and sound common sense, they are entitled to.

The last remedy then, in the opinion of your committee, is to strike from the statutes those provisions which no longer have any force, and which by remaining there are calculated to mislead and deceive.

In order to do this most effectually, it is necessary that we should have the information upon which we can best sound and correct opinion, and that information is more perfectly in the power of the Judges than in any other source.

It is imagined by some that this resolution is calling for extra judicial opinions, which it would be dangerous for the Judges to give, but, according to the simple reading and meaning of the language of the resolution, no such object can be intended. It calls simply for information as to what has been decided upon constitutionally, and surely it cannot be improper for a Judge to relate to the Legislature that which has already been made known to the public. But it may be said that the resolution also calls for the Judges' views to the other acts which the Judges know to be unconstitutional from their actual experience.

This simply refers to Acts which, although they have not been directly the subject of litigation, yet which contain provisions or embody principles which have been expressly passed upon, in deciding upon other similar Acts. If this was not the proper meaning, the intent of the resolution that would have been no use for the words "Judicial Experience." The Judges are not asked for mere legal opinions, but for information which they possess from their judicial experience. No language can be plainer, and none more indisputable. It will hardly be denied by the most bigoted, that the object in view is most desirable. It is the repeal of laws which are obnoxious to the charge of conflicting with the limitations of the Constitution, and the satisfaction of others which will be free from the like objections. The members of the Legislature, in discharge of their constitutional duties, have created the necessity of this new duty on the part of the Legislature. The members of this body are composed of men of various occupations; a large number are not of the profession of the law, and have had no cause hereto ere to induce them to investigate this subject, which now devolves on them as legislators. It is also not the case that many or two professional gentlemen who belong to the two Houses have not at peace with the decisions of the Supreme Court, and would therefore be as much benefited by the plan proposed as the non-professional members.

To all, indeed, who in such important matters would prefer to act judiciously, it would be a source of satisfaction and security, while to others who deem themselves to be sufficiently learned from their prior sources and investigations, it can certainly be no object to keep in darkness their less fortunate colleagues. This proceeding, too, is not singular nor unprecedented. In some of the States of the Federal Union laws exist, requiring the Supreme Court Judges to report to every session of the Legislature such amendments to laws as their experience would suggest to be commendable, together with their reasons for the suggestion. In other States, the Attorney General is required by law to be in

attendance upon the Legislature for the purpose of giving legal opinions to the members, and for superintending and directing the drafting of bills which are agreed upon by the various committees to whom they have been referred.

Such a course cannot be too highly approved for its consideration, its wisdom, and its results ; while acts are made for carrying out the intention of the law-making power, their frame-work is made to undergo that care and revision which they can only receive from well trained legal minds, and which, while it renders them complete to carry out the objects of their enactment, also spares them from the charge of trenching upon ungranted power, or of violating the fundamental law.

The purpose of the resolution is to do, to a limited extent, that which elsewhere is done to its fullest extent, and your committee, for the reasons given in this report, recommend its adoption.

All of which is submitted.

Laid upon the table.

*Resolved*, That the Hon. Judges of the Supreme Court are requested to report to the Senate, all acts and parts of acts that conflict with the provisions of the Constitution of this State, and recommend such acts as will be necessary instead thereof, and also recommend the passage of such laws as their judicial experience may suggest to be proper and just.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills have examined an Act to provide for settling the boundary line between the counties of Marin and Sonoma, and report the same correctly engrossed.

J. G. McCALLUM,  
Chairman.

Mr. Cosby gave notice that he would, on a future day, introduce a bill, concerning the term of office of the county officers of the county of Trinity, and to legalize certain elections heretofore had in Sierra county.

Mr. Scellen offered the following resolution:

*Resolved*, That the Sergeant-at-Arms be instructed to have the lamps in front of the Capitol lighted every night.

Adopted.

On motion, the Senate adjourned.

R. M. ANDERSON,  
President of Senate

Attest:

W. BAUSMAN, Sec'y Senate.

## IN SENATE.

WEDNESDAY, February 6, 1856.

Senate met pursuant to adjournment.

Mr. Ashley, President *pro tem.*, in the chair.

Prayer by the Rev. Mr. Pratt.

Roll called and the following Senators found to be absent.

Messrs. Ferguson and French.

Journal of yesterday read and approved.

According to previous notice, Mr. Tilford introduced bill No. 51, for an Act amendatory of and supplemental to an Act entitled an Act to regulate the settlement of the Estates of deceased persons, passed May 1, 1851.

Read a first and second times and referred to the Judiciary Committee.

Mr. McCallum presented the following report:

*Mr. President :*

The Committee on Engrossed bills have examined Senate bill No. 36, an Act concerning Appeals in certain cases, and find the same correctly engrossed.

J. G. McCALLUM,  
Chairman.

Mr. Lippincott gave notice that he would, on to-morrow, move to amend the Standing Rules of the Senate, by striking out of rule second the words "roll call."

The following message was received from his Excellency the Governor:

EXECUTIVE DEPARTMENT, }  
Sacramento, January 31, 1856. }

*To the Hon. Senate and Assembly of California :*

As early as the 17th instant, I received a copy of a resolution of the Assembly, and at a later period one of similar import adopted by the Senate, calling on me for such information as was in my possession in relation to the War Debt Fund appropriated by Congress for the payment of such expenses as this State had incurred in the suppression of Indian hostilities.

As this department, so far as I could ascertain, had no official information on the subject, the delay in responding to your respective resolutions has been una-



voidable, whilst procuring from other sources the desired information. On the 5th August, 1854, an Act of Congress was approved, which, among other things, contained the following section:

"3 (9). And be it further enacted, That the Secretary of War be, and he is hereby authorized and directed to examine into and ascertain the amount of expenses incurred and now actually paid by the State of California in the suppression of Indian hostilities within the said State, prior to the first of January, A. D. eighteen hundred and fifty-four, and that the amount of such expenses, when so ascertained, be paid into the treasury of said State. *Provided*, That the sum so paid shall not exceed in amount the sum of nine hundred and twenty-four thousand two hundred and fifty-nine dollars and sixty-five cents; which amount is hereby appropriated out of any moneys in the Treasury not otherwise appropriated."

On the 29th March, 1855, an Act was passed by our State Legislature, (vide Acts 1855, pp. 61, 62,) authorizing the Governor to transmit to the Secretary of War certified copies of indebtedness incurred, and the laws under which the same was authorized by the State, which, it appears by the last Annual Message of my predecessor, was complied with on the 12th day of May succeeding the passage of the Act.

The receipt of those papers, with the accompanying letter of the Governor, was acknowledged, as will be seen by reference to the reply of the Secretary of War, of which the following is a copy:

"WAR DEPARTMENT, )  
Washington, July 18, 1855. }

"SIR:—I have to acknowledge the receipt of your letter of the 12th of May, transmitting certain statements intended to show the amount of expenses incurred and paid by the State of California in the suppression of Indian hostilities, for the repayment of which provision has been made by the ninth section of the Army Appropriation Act, approved August 5, 1854.

"The Act directs the Secretary of War to examine into and ascertain the amount of expenses incurred and now actually paid by the State of California. This requirement, cannot, in my opinion, be fulfilled upon the evidence showing nothing more than that the State has made certain bonds and warrants for the purpose of satisfying claims of the description specified in the Act, and that these bonds have been issued to certain individuals.

"Under similar circumstances, other States have produced the original bills paid by them, and the Department has been enabled at once to see that the charge was one that Congress intended to assume, and that it had been paid. I cannot so far depart from a practice which I believe has been invariably observed as to authorize payment to be made to the State of California upon the evidence now tendered.

(Signed)

JEFFERSON DAVIS,  
Secretary of War."

This, I believe, embraces all the correspondence on the subject; and, as yet nothing has been accomplished in the way of procuring the money thus appropriated; and it is apparent, that without further legislative action, the



State, or rather her bond holders, can never realize the benefits intended by the law.

I presume there can exist no diversity of opinion as to the importance of speedily adopting such legislative enactments as will insure the payment of this money by the General Government. And scarcely secondary to these considerations, is that of making provision for the application of the money so received to the discharge of our outstanding War Bonds.

Regarding the means by which these desirable results are to be attained, various suggestions have been made. And actuated solely by the same earnest desire which you, gentlemen, entertain, that our present efforts may not prove abortive, but that this fund may be speedily obtained and appropriated to its legitimate object, with the least possible expense to the State, I am induced to make this the occasion also of suggesting such legislative enactments as in my judgment are essentially necessary to secure these desirable objects. It is needless to inquire whether the Secretary of War has misapprehended the *spirit* and *intent* of the act of Congress making this appropriation, in rejecting the certified copies of vouchers forwarded him, as satisfactory evidence of the payments made by the State; neither at this time can any beneficial results attend the discussion of an issue seemingly foreshadowed by the Secretary's letter, involving a construction of the law which would invest him with discretionary power, to allow or reject at pleasure, specific items of expenditure which have been assumed by the State. I must confess, however, that an assumption of authority so unwarranted, as I believe this to be, is quite manifest, and I am apprehensive that the aid of further Congressional legislation will have to be invoked, ere our State will derive the benefits of the entire sum appropriated.

If the Secretary of War shall, by virtue of the authority given him to examine into these claims, assert the right to go behind the act of the Board of Examiners, and inquire whether the demands were such as ought to have been allowed, and the evidence on which the payments were predicated, as appears of record, sufficient to sustain their decision, I doubt not that the exacting requirements of the Secretary and his auditing officers, would find abundant pretexts to reduce the sum materially.

In the various military expeditions which California, in defense of her citizens was compelled to undertake, either from inability or neglect of the General Government to provide such defense—owing to the condition of the country at those periods—with our State credit most ruinously depreciated, prices were paid for supplies, and many expenses incurred, which to us even now would appear enormous.

Furthermore, in the settlement of accounts by the Board of Examiners, and in some few instances before committees of the Legislature, the introduction of oral testimony on behalf of claimants, was permitted, which, no doubt, to them, was conclusive; but, unfortunately, the evidence was not perpetuated.

From these and other causes we may be much embarrassed if the exercise of such discretionary power shall be persisted in. Whilst, therefore, hoping our fears may prove groundless, still these misgivings should suggest to our minds the necessity of extreme caution and deliberation regarding the measures now to be adopted.

Let us so fortify ourselves against all possible contingencies, that further delay in securing the payment of this money may not be the fruits of our own inefficient legislation.

In the first place, authority should be given to transmit to the Secretary of War, the original vouchers, and at a reasonable expenditure, secure the services of such person or persons as may be necessary in the prosecution of these claims before that officer. One of our present members of Congress, Gen. J. W. Den-

ver, and of him I speak particularly. on account of his former position as one of the Board of Examiners, will, no doubt, lend his co-operation without compensation by the State. Such assistance will be all important, as a very large portion of these claims were examined before him and allowed, and he is, consequently, possessed of an intimate knowledge of all matters connected with this indebtedness. There is another gentleman, however, A. J. F. Phelan, Esq., whose services are indispensably necessary to the successful prosecution of these claims. In this I speak partially from my own personal knowledge as well as from the testimony of the late Board of Examiners, to whose efficiency and understanding of the whole subject they voluntarily bear witness.

Mr. Phelan was the Clerk of that Board for nearly, if not quite, the entire period during which the seven per cent. bonds were being issued, and from his position necessarily became familiar with all the vouchers and testimony adduced in support of the claims presented; and his usefulness to the State in connection with these claims against the Government, can be readily foreseen; and I would, therefore, suggest that his services be secured, when I am advised by him can be effected on terms quite reasonable to the State.

By thus procuring the active co-operation and aid of these two gentlemen, in addition to the influence of our other members of Congress, which will be most cheerfully given, I feel confident, that if the claim of the State be not allowed to the full amount of the appropriation authorized by Congress, further effort will be useless until the act shall have been amended.

In the suggestions I have thus far deemed it proper to make, I have confined myself to the adoption of measures having reference solely to the allowance by the Secretary of War, of the money so appropriated, and, as already observed, it is a matter of scarcely secondary importance that provision be likewise made for the immediate payment of this money to the holders of the War Bonds.

A rapidly increasing interest account against the State, at the rate of \$5,698 12-100 per month, admonishes us of the importance of such action, whilst the plighted faith of the State, that money appropriated by the General Government, shall be inviolably used for this purpose, leaves no alternative.

The report of the State Controller shows our indebtedness on account of the War Debt, to be, on the 20th December, 1855, as follows:

Twelve per cent. Bonds, (which are payable in New York,) issued under Act of 1851,	\$200,000 00
Interest due thereon,	111,145 53
To which, add accruing interest to the 20th May, 1856,	10,000 00
<b>Total amount due on 20th of May, 1856,</b>	<b>\$321,145 53</b>
Seven per cent. Bonds issued under Act of 1852,	\$633,965 00
Interest due 20th December, 1855,	136,500 00
Warrants not funded,	14,835 00
<b>Total amount, Act of 1852, due December 20th, 1855,</b>	<b>\$785,300 00</b>
To which I will add interest to 20th May, 1856, on 7 per cent. Bonds,	18,490 00
<b>Total amount of War Bonds and Warrants, with interest computed to 20th May, 1856,</b>	<b>\$1,124,935 53</b>
Appropriation by act of Congress,	924,259 65
<b>Leaving a balance of</b>	<b>\$200,675 88</b>

Indebtedness against the State, over and above the sum appropriated by Congress.

In this calculation I have estimated the interest to 20th May next, as in all probability that will be as early a period as the State will be able to realize the amount, so as to disburse it to her bondholders. The law of Congress making this appropriation, it has been shown, requires the money, when allowed, shall be paid into the State Treasury.

To do this literally, would subject the State to a cost of some twenty-five thousand dollars, at least, else the risk would have to be borne, which is inseparably incident from allowing individuals or bankers to handle the money.

Again: Of this sum, to be paid in our treasury, on the 20th May next, as I have shown, there will be due on the 12 per cent. bonds, payable in New York, the sum of \$321,145 53. This, necessarily, would have to be returned there, and at current rates of exchange, at a further expense to the State of \$9,634 36.

To this must also be added, the further accumulation of interest on the 12 per cent. bonds, at the rate of two thousand dollars (\$2,000) per month, whilst the money is in transitu, and we are arranging for its payment. Thus, on these bonds alone, with the additional interest incurred in returning the money to New York, we must submit to not less than fifteen thousand dollars of expenditure. Superadded to this, the additional interest on the 7 per cent. bonds, incident to the transmission of the money to California, and time occupied in advertising for their redemption, will increase the sum to at least twenty-five thousand dollars. From these causes alone, and adding the expense already shown for transporting the entire amount to this State, we have in round numbers an expenditure of fifty thousand dollars, every dollar of which, I confidently believe, can be saved for the State. The State Treasurer is by law constituted the custodian of the public funds, and the manner in which he shall discharge the duties incident to his office is clearly within legislative control; and I hold that it is entirely competent to authorize by law the performance of those duties when deemed essential to the public interest, even beyond the limits of the State, especially so, when there is no objection on his part to discharge the duties in such manner as the Legislature may prescribe. Legislative sanction may also be given, to authorize the payment of this money in Washington or New York, in lieu of being paid into the State Treasury, and the receipt of the State Treasurer to the General Government would be of equal validity as if an official act performed at our State Capitol, and would, most unquestionably, meet the approval of the General Government; more especially as this plan would be adopted so as to facilitate the payment of the funds to our bond holders. If this can be effected, and I think there can be no reasonable doubt of it, the next inquiry presented is, as to the manner of the disposition of these funds in the payment of our bonds. The State Treasurer, Dr. Bates, proposes to render his services in connection with this matter, gratuitously to the State, if authorized, and leave of absence be given him for that purpose. I propose, therefore, a joint commission consisting of J. W. Denver, Dr. H. Bates, and A. F. J. Phelan, two of whom for the reasons before stated, can doubtless render most efficient services in prosecuting the claim, and the State Treasurer, in his official capacity, to superintend the payment and cancellation of our bonds.

Let them be authorized to appropriate what money may be allowed by the General Government by the Act referred to, in the payment of the outstanding War Bonds, in the following manner:

*First*, To set apart and use a sufficient sum to pay and discharge the twelve per cent. bonds. This for two reasons: the high rate of interest renders it important that they should be canceled as soon as possible; and also, because



they are of earlier date. This *entire fund* being pledged inviolably, *first* to their redemption, exceeding as it does the principal and interest of the twelve per cents., there can consequently exist no reason why the holders of them would, if invited to bid for their redemption, consent to accept less than principal and interest. Taking the 20th of May next as the basis of calculation it has been shown that after setting apart enough money to discharge the twelve per cent. bonds, there would remain, on the supposition that the entire appropriation is allowed by the Secretary of War, the sum of \$603,114 12, whilst at that date the remaining indebtedness on the bonds and warrants would be \$803,790 00, the balance of the appropriation being within a small fraction of seventy-five per cent. of the whole debt.

As the bonds are not due, and the sum appropriated falling short of the outstanding indebtedness, and there being no permanent and certain provision for the payment of interest on them, I doubt not that the holders of these bonds when notified to that effect, would come forward and bid for their redemption on such favorable terms as would enable the State to cancel the whole debt with the sum appropriated.

If this can be done, and it would be worth the experiment, a saving would be made, in this regard alone, of two hundred thousand six hundred and seventy-five dollars.

It has been suggested that California has a valid claim against the General Government for the large deficiencies between the sum appropriated and the aggregate of the sum for which the State has become responsible, and as an additional appropriation, fully sufficient to cover this deficiency, will be made by Congress, it is needless to make provision for the payment of the outstanding bonds with the sum already set apart. This reasoning is by no means conclusive. The sum which was appropriated by Act of 5th August, 1854, included the entire amount of principal of the War Debt, also the interest to a given date, amounting to \$75,348 35, and the deficiency now existing consists wholly of interest which has since accrued.

Many of us are familiar with the history of that measure in Congress, and fully understand the difficulties attendant on procuring that appropriation, and now the probability of obtaining an additional amount to cover this interest, most of which has accrued since the Act of August 5, 1854, is certainly very remote, especially as with some propriety it may be charged against us that the money has been locked up during this time in the United States Treasury, because we have not made proper application for it. Be this as it may, however, it is now a duty we owe to the State to legislate so as to meet existing circumstances, and if Congress should hereafter make further appropriations to pay this deficiency, there will then be found no objection, I trust, to allowing payment in full to those bond-holders, who may now consent to accept a material reduction on the sum total of their bonds. It may also be assigned as an objection to this plan, that as these bonds are, by the terms, payable at the State Treasury, we cannot compel bond-holders to accept payment elsewhere. This is assuredly true; yet, if the bond-holders are desirous of receiving it in New York or Washington, in preference, as it certainly will be to their pecuniary advantage so to do, the State ought not to object to this plan of payment which promises such favorable results and without any risk of loss.

I am fully satisfied, after extensive inquiry on the subject, that, with the exception of a very small amount, these outstanding bonds are held out of this State, and those owing bonds to the small amount in the State, would be willing to accept payment at either of the places proposed.

I would also suggest that the money allowed by the Secretary of War be no further under the control of this Commission than to authorize them to draw

for it in favor of the holders of the bonds, as those bonds are taken up and cancelled; thus all objection would be silenced, suggesting the probability of the Commission speculating in the public funds, which is supererogatory in this case to say is by no means probable.

One item of saving suggested: The expense of bringing this money to California, amounting to \$25 000, may be liable to objection, under such a construction of the law as would seem to warrant the belief that it was the duty of the General Government to pay the money into our State Treasury, and consequently, to incur the expense necessary to do so. Yet, if this should be so determined, contrary to my own belief, the delay which all this would produce, would eventually increase our interest account, until the aggregate expense would fully equal the first estimate; and if the measures I here propose prove as successful as I fully believe they will, the saving to the State will fall not short of two hundred and fifty-thousand dollars, and all will be accomplished at an expense not exceeding six thousand dollars.

In presenting the foregoing views, I have been necessarily restricted to a mere outline of the plan, to be more fully embodied by your legislation. Whatever may be done in the premises, due regard must, of course, be had, to secure, most amply and fully, interests both of the State and her bondholders; and all such needful checks and restrictions should be incorporated in the bill, as will be calculated to achieve the paramount objects for which legislation is now required.

Very respectfully,

Your obedient servant,

J. NEELY JOHNSON.

Mr. French moved that the message be referred to the Committee on Military Affairs, and one thousand copies printed.

Mr. McCallum moved to strike out "one thousand" and insert the words "the usual number."

Upon which, the ayes and noes were demanded by Messrs. McCoun, Day and McCallum, with the following result:

AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Ferguson, Hawthorne, Lippincott, McCallum, McCoun, Seellen, Tilford and Waite—13.

NOES.

Messrs. Crandall, Day, De la Guerra, Dosh, Fiske, Flint, French, Gove, Heintzelman, Hook, Mandeville, McNeill, Norman, Rust, Shaw and Wilson—16.

So the motion was lost.

Mr. Rust moved that five hundred copies of the message be printed and called for a division of the question.



Mr. Burton moved to lay the message on the table.

Lost.

The question being on the motion to print five hundred copies, it was carried.

Mr. Burton again moved to lay the message on the table.

Lost.

The message was then referred to the Committee on Military Affairs.

The following message was received from the Assembly:

February 6, 1856.

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, on Feb. 1, 1856, Assembly bill No. 30, an Act to Fund the Debt of the County of San Diego, and to provide for the payment of the same, approved May 4, 1855.

Also, bill No. 32, an Act to change the name of Lewis Schletchway to that of Lewis Robinson.

Also, passed, on the 2d of February, 1856, Assembly bill No. 42, an Act to change the name of William Henry Clark to that of William Clark Penton.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly bill No. 32, an Act to change the name of Lewis Schletchway to that of Lewis Robinson, was taken up.

Read a first time, and objection to the second reading being made it was laid over under the rule.

Assembly bill No. 42, an Act to change the name of William Henry Clark to that of William Clark Penton was taken up.

Read a first time, and objection being made, laid over under the rule.

The Senate then considered Assembly bill No. 30, to amend an Act to Fund the Debt of the County of San Diego, and to provide for the payment of the same, approved May 4, 1855.

Read a first and second time and referred to Senator Wilson.

Mr. Tilford presented the following report:

*Mr. President :*

The Committee on Enrollment have examined the Act entitled an Act to provide for funding the Floating Debt of the city of Marysville, and for the extinguishment thereof, and other purposes, and find the same correctly enrolled.

Respectfully,

F. TILFORD,

Chairman.

The Senate considered Senate bill No. 36, an Act concerning appeals in certain cases, as a substitute for Senate Bill No. 36, entitled an Act to amend an Act entitled an Act concerning appeals in certain cases, approved February 16, 1855.

Read a third time and passed.

Mr. Shaw gave notice that he would introduce a bill to allow persons to change their names.

Mr. Scellen presented the following resolution :

*Resolved*, That the Select Committee, to whom was referred the investigation of the sales of the public lands of the State, be authorized to proceed to San Francisco, for the purpose of making a full examination of all matters connected with said sales.

Adopted.

Mr. Hawthorne, from the Committee on Claims, reported back a certain communication received from the Superintendent of Public Instruction, with the recommendation that the same be referred to the Committee on Finance.

The communication was so referred.

Mr. Lippincott presented the following petition :

ABBOTT HOUSE, Cal., Feb. 1, 1856.

*To the Hon. the Senate and Assembly of the State of California :*

We would petition your Honorable Body to be set off from Butte county, and joined to Yuba county ; that part and portion of Butte county joining on Yuba county, commencing at the Abbott House and Ranch, and extending to the Pine Grove House and Ranch and Saw Mill, including the Orchwa Mill and intermediate points, being the extreme south-eastern part, and entirely excluded from any other portion of Butte county. Having no practicable road across to our county seat, it is with the greatest inconvenience that we transact our county business ; having no Representative or officers of justice, which is so necessary for the protection and welfare of the settlers, and our relations to Yuba county, our common interest and business being so immediately connected with that of Marysville, being situated on the road known as the Turquoise road, running from Marysville to Rabbit Creek ; having ranches joining us on both sides

in Yuba county, on the same and only road leading to Rabbitt Creek, St. Louis and Gibsonville; we ask, in justice to our rights, and for the better protection and advancement of our Mountain Settlement, that the above described vicinity be a part and portion of Yuba county, known and included with Keystone Township.

And as in duty bound, will ever pray, &c.

Joseph Wood, Proprietor of the Abbott House.

J. B. Felch & Thos. J. Stoyell, Proprietors of Orolewa Saw Mill.

Thos. Lanham & Lewis J. Flint, Proprietors Pine Grove House.

Joseph M. Connell, Proprietor Pine Grove Saw Mill.

Thos. Jones, G. W. Howe, A. C. Cadmes, Proprietors Jones Hotel.

Increase Pond, Proprietor of Orolewa Hotel

Referred to the Committee on Counties and County Boundaries.

On motion, the Senate adjourned.

R. M. ANDERSON,  
President of Senate.

Attest :

W. BAUSMAN, Secretary of Senate.

## IN SENATE.

THURSDAY, February 7, 1856.

Senate met pursuant to adjournment.

Lient. Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Roll called, and the following Senators found to be absent:

Messrs. Hawks, McCoun, McGee, Rust, Scellen and Westmoreland.

Journal of yesterday read and approved.

Mr. Tilford presented the following petition:

*To the Honorable the Senate and Assembly of the State of California :*

The undersigned petitioner begs leave to state respectfully to your honorable body, that in the years 1854 and '55, he furnished the State Marine Hospital in this City with vegetables to the amount of two hundred and sixty-three dollars and thirty-seven and a half cents, which sum is yet due him and remains unpaid. He, therefore, prays your honorable body, to take such action in the premises, so that the said bill, which is both just and true, may be paid to him. And your petitioner, as in duty bound, shall ever pray.

JOHN VALENTINE & CO.

San Francisco, February 6, 1856.

Referred to the Committee on Claims.

The following petition was presented by Mr. Day, and subsequently referred to that gentleman:

*To the Honorable, the Senate and Assembly of the State of California :*

The petition of the Mayor and Common Council of the City of San Jose, respectfully represents to your honorable body, that the City of San Jose is indebted in the sum of forty thousand dollars, this indebtedness being in the form of bonds bearing two and a half per cent per month interest, the principal debt being about thirty thousand dollars, upon which there is now due nearly one year's interest. These bonds were issued about one year since, and some of them are now due and payable, and all will become due before the first of April next. The city is without resources sufficient to meet these payments, and it is the desire of your petitioners, as well as of a great majority of the tax-payers of the city, that the debt be funded and thereby reduce the rate of interest. It is believed that bonds bearing twelve per cent. per annum can be readily disposed of at par. We therefore pray your honorable body to pass an Act authorizing the funding of the debt.

And as in duty bound, your petitioners will ever pray, etc.

S. O. HOUGHTON,  
Mayor.

JOHN M. MURPHY,  
Prs't Com. Council.

WM. DANIELS,  
CALVIN MARTIN,  
A. S. BEATY,  
R. G. MOODY,  
P. O. MINOR,  
S. M. CUTLER.

San Jose, February 2, 1856.

Assembly bill No. 42, an Act to change the name of William Henry Clark to that of William Clark Penton.

Read a second time and referred to the Judiciary Committee.



Assembly bill No. 32, an Act to change the name of Lewis Schletchway to that of Lewis Robinson, was taken up.

Read a second time and referred to the Senator from Calaveras, Mr. Norman.

According to previous notice, Mr. Cosby introduced bill No. 52, an Act to define the term of Office of the County Officers of Trinity County, and legalize their election.

Read a first and second times and referred to the Judiciary Committee.

According to previous notice, Mr. Fiske introduced a bill for an Act to provide for the better observance of the day known as the Christian Sabbath.

Read a first and second time, and referred to the Committee on Public Morals and Police.

Mr. Day gave notice that he would, on to-morrow or Monday, introduce a bill for an Act to authorize the funding of the debt of the city of San Jose, and to provide for the payment of the same.

Mr. Tilford presented the following report :

*Mr. President :*

The Committee on Enrollment, on yesterday, presented the Act entitled an Act to provide for funding the Floating Debt of the city of Marysville, and for the extinguishment thereof, and other purposes, to his Excellency the Governor, for his signature.

Respectfully,

F. TILFORD,  
Chairman.

Mr. Ferguson presented the following report:

*Mr. President :*

The Judiciary Committee, to whom was referred a resolution requesting them to inquire into the expediency of the passage of a general law authorizing the change of names by the County Courts, have had the same under consideration, and would respectfully suggest that they see no necessity for legislation or judicial action upon the subject.

W. I. FERGUSON,  
Chairman.

*Mr. President :*

The Judiciary Committee, to whom was referred Senate bill No. 40, entitled an Act to change the name of Hamedatha Cecil.

Also, Senate bill No. 49, entitled an Act to change the name of Charles S. Clark to that of Charles S. Still.

Also, Senate bill No. 30, entitled an Act to change the name of Wm. Ephraim Ward to Wm. Ephraim Ward Hyde.

Also, Assembly bill No. 7, entitled an Act to change the name of Abisha Washburn Hough to Andrew Watson Hough; have had the same under consideration, and beg leave to report the same back to the Senate, and recommend their indefinite postponement.

W. I. FERGUSON,

Chairman.

Senate bill No. 40, to change the name of Hamedetha Cecil, was, on motion, indefinitely postponed.

Senate bill No. 49, to change the name of Charles S. Clark, was, on motion, indefinitely postponed.

Senate bill No. 50, to change the name of Wm. Ephraim Ward, was, on motion, indefinitely postponed.

Assembly bill No. 7, to change the name of Abisha Washburn Hough, was, on motion, indefinitely postponed.

Mr. Ferguson presented the following report:

*Mr. President :*

The Judiciary Committee, to whom was referred Senate bill No. 50, entitled an Act to repeal an Act entitled, an Act concerning the Fees of Public Administrators, passed April 28, 1851, and for other purposes, have had the same under consideration, and recommend its passage.

W. I. FERGUSON,

Chairman.

The bill was taken up, read a third time and passed.

On motion of Mr. French, leave of absence for an indefinite period was granted to Mr. Westmoreland.

On motion of Mr. Tilford, leave of absence for an indefinite period was granted to Messrs. Hawks, Seellen, and Tilford, in discharge of their duties as a select committee of the Senate.

Mr. Ferguson presented the following report:

*Mr. President :*

The Judiciary Committee, to whom was referred Senate bill No. 28, entitled an Act to amend an Act amendatory of and supplementary to an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed May 15, 1854, beg leave to report that they have had the same

under consideration, and recommend the passage of the bill, with the following amendments.

W. I. FERGUSON,  
Chairman.

The bill was taken up, and, on motion, made the special order for to-morrow at 12½ o'clock.

Mr. McCoun offered the following resolution:

*Resolved*, by the Senate, that the Commissioners of the State Marine Hospital be required to render to this body, a detailed account of the one hundred thousand dollars, which was appropriated by the last Legislature, and in what manner it has been distributed in the settlement of the outstanding debts against the Hospital, also the amount of claims yet unpaid.

Adopted.

Assembly bill No. 8, an Act entitled an Act to amend an Act in relation to Personal Mortgages in certain cases, passed May 11, 1853, was taken up for consideration, and on motion, laid on the table.

Mr. Day presented the following report:

*Mr. President :*

The special committee, to whom was referred Assembly bill No. 44, entitled an Act to locate the Seat of Justice of Alameda county, and amendatory of an Act to create the County of Alameda, and establish the Seat of Justice therein, to define its boundaries, and to provide for its organization, has had the same under consideration, and asks leave to report as follows:

In 1854, the Legislature authorized the County Judge of Alameda county to order an election for the location of the County Seat. If no place received a majority at the first election, the two places having the most votes were to compete at a second election.

At the second election in 1854, the contest being between Alvarado, formerly called New Havea, and San Leandro, the majority in favor of San Leandro was 234, in a vote of 2,368. The county offices were removed to San Leandro, and new buildings have been erected for the use of the county. The courts were regularly held there, and the choice appeared to be fully acquiesced in by the people. During the year 1855, in consequence of the decision of the Supreme Court against the validity of the act of a County Judge in ordering an election, the District Judge considered it his duty to hold his court at Alvarado, the former county seat, and the public records and offices were also removed there. The object of the present bill is to order their return to the place selected by the people.

The committee has carefully collated the votes of the several townships, not only for the special election for the County Seat, but those cast at the general election for 1854 and 1855; has examined several petitions, one containing 985 names in favor of the bill, and has heard eminent legal counsel in opposition to the bill. No petitions or remonstrances against the bill have thus far been received, except two letters announcing that such might be expected. Those let-

ters were written on the 21st and 31st January, and the Committee is of opinion, that if the remonstrances were forthcoming, they should have been here by this time.

On comparing the votes with the localities of the voters, the Committee finds a large majority residing in such geographical relation to San Leandro, as would indicate, in the absence of other information, a natural preference for that place.

At the recent general election, the election of certain officers turned more or less upon this question, and those known to be in favor of San Leandro were successful.

Your committee is therefore constrained to believe, by all the facts before them, that if the question were again submitted to the people, the place named, in the bill would undoubtedly receive a large majority; and it is probable that each successive year will add population much more rapidly to that end of the County nearest to San Leandro, which comprises the flourishing cities and villages of Oakland, Alameda, Clinton and San Antonio.

For these reasons, the committee refer the bill to the Senate, and recommend its passage.

SHERMAN DAY,  
Select Committee.

The Senate then took up the bill for an Act to locate the Seat of Justice of Alameda County, and amendatory of an Act to create the County of Alameda and establish the Seat of Justice therein, to define its boundaries and to provide for its organization.

After some discussion, the hour of twelve o'clock having arrived, the special order was taken up, being Senate bill No. 4, for an Act recommending to the electors to vote for or against a Convention to revise and change the Constitution of this State.

The bill was considered, and on motion made the special order for Thursday next at 12 o'clock.

According to previous notice, Mr. Dosh introduced a bill for an Act for the payment of Salaries of District Judges throughout this State.

Read a first and second time, and referred to the Judiciary Committee.

Mr. French called up the bill previously under consideration, relative to locating the Seat of Justice at Alameda County.

Mr. McCoun moved to make the bill the special order for Wednesday next, at 12 o'clock.

Mr. French demanded the previous question.

Sustained.

The question recurring on the motion to make the bill the special order for Thursday next, it was lost.

The bill was taken up, read a third time and passed.



Mr. Wilson presented the following report:

*Mr. President :*

The committee to whom was referred Assembly bill No. 30, to amend an Act entitled an Act to Fund the Debt of the County of San Diego, and to provide for the payment of the same, approved May 4, 1855, has had the same under consideration, reports favorably and recommends its immediate passage.

The bill was considered engrossed, read a third time and passed.

The following communication was received from his Excellency, the Governor:

EXECUTIVE DEPARTMENT, }  
January 29, 1856. }

*To the Hon. Senate of California :*

I herewith nominate and appoint Flournoy Shockley as Port Warden of San Francisco, *vice* Capt. John Nye, removed, and respectfully ask the concurrence of the Senate in said appointment.

Very respectfully,  
Your obd't servant,

J. NEELY JOHNSON.

Mr Rust moved to lay the communication upon the table.

Upon which, the ayes and noes were demanded by Messrs. French, McCoun, and Rust, with the following result:

AYES.

Messrs. Crandall, Day, Dosh, Fiske, French, Gove, Heintzelman, Hook, Mandeville, McNeill, Rust, Shaw, and Wilson—13.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Ferguson, Flint, Hawthorne, McCallum, McCoun, McGee, and Waite—12.

So the motion prevailed, and the communication was laid upon the table.

The following message was received from the Assembly.

FEBRUARY 7, 1856.

*Mr. President :*

I am directed to inform the Senate that the Assembly have this day passed Assembly Concurrent Resolution in relation to the Insane Asylum.

The resolution is herewith submitted.

Respectfully,

J. M. ANDERSON,

Clerk Assembly.

*Resolved*, (by the Assembly, the Senate concurring.) That the Standing Committee on Hospitals be directed to act as a joint Committee, with the Senate, to visit and examine into the condition of the Insane Asylum.

On motion, the resolution was concurred in.

On motion, the Senate adjourned.

R. M. ANDERSON,

President of Senate.

WM. BAUSMAN, Sec'y Senate.

## IN SENATE.

FRIDAY, February 8, 1856.

Senate met pursuant to adjournment.

Lieut. Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Roll called, and Mr. Ferguson found to be absent:

Journal of yesterday read and approved.

According to previous notice, Mr. Burton introduced a bill for an Act to repeal an Act entitled an Act for the relief of Insolvent Debtors, and protection of Creditors, passed May 4, 1852.

Read a first and second time, and referred to the Judiciary Committee.

Mr. Cosby gave notice that, on to-morrow, he would introduce a bill for the division of the territory now embraced within the boundaries of the State of California, with a view to the formation of two new States from said Territory.

Mr. Ashley offered the following report:

*To the Senate:*

The Committee on Claims have considered Senate bill No. 15, concerning Salaries, &c., and have modified and changed the same in various respects, all of which alterations appear in the substitute which has been printed, and which the committee hope will be adopted as the basis for action in the Senate.

Some of the salaries in this State remain at the rates fixed in 1850, when extravagant hopes were entertained, money was plenty, labor demanded and received a most liberal reward, employment was easily had, and the State had contracted no great debt, and was believed able to meet her liabilities without difficulty—the expectations of that time have been blasted, and the people are burdened with an immense public indebtedness, constantly increasing, which requires heavy taxes to be incurred, year after year, as interest and blind profusion swell the aggregate of our debt.

The cost of living in California has decreased, and fortunes are not so easily made as heretofore.

It is proved that too liberal salaries rouse the cupidity of office hunters, and cause such ignoble strife for place that the best talent and character of the country, disgusted with the shameless scramble, often refuse to enter the political arena, and the government falls to the hands of politicians, whose only claim to position frequently is, their inability in business to gain an honest livelihood.

The people have rights, as well as their volunteer rulers—and the wants of the multitude are not so well cared for by the leech always at the public crib, as by the man whose hopes and interests is with the common people.

The laborer, whose vote is so obsequiously sought, in his grievous toil feels no solace that the office holder has a liberal and handsome salary, as the phrase is used.

The price of labor and professional skill is not more than one-third it was in 1850, and 1851. The reduction now proposed in salaries and pay is not on the average more than 25 per cent.. Your committee feel that they may justly be charged with not making reduction enough, their only answer is, that they have no confidence in being able to pass a better Act at present. The mass of the people will hardly suspect, and few will believe, the influence brought to bear on their Representatives at the Capitol, to prevent reduction of salaries and curtailment of expenses.

Gov. Bigler, appreciating and obeying the will of the people, has in his messages, for three years, recommended retrenchment, but the Legislature has heretofore failed to do its duty, and we see the people baffled in their honest will by the deception of the recipients of their favor and power.

We believe the time has come when we should enact what we profess, without treachery to our constituents; few of us can go home unless we make an honest effort for reform.

The reductions proposed will save the public about one hundred thousand dollars per annum; let a corresponding saving be made in all the departments of government, and the aggregate saved will exceed the annual excess of expenditures over receipts, which now, and for years past, has been inevitable. When this excess of expenditure has ceased, we may devise efficient means to sweep away our debt, and to realize the fond hope of a good government, administered with a care for the good of the governed, and not used as a means to wrench immense revenues from the hand of toil, and apply them for the unscrupulous and pampered swarm of parasites who cluster around our Capitol.

Your committee earnestly recommend the adoption of the substitute and the passage of the Act.

All of which is respectfully submitted.

D. R. ASHLEY,  
Chairman.  
J. C. HAWTHORNE,  
J. W. MANDEVILLE.

Senate bill No. 13, an Act concerning the salaries of officers and pay of members of the Legislature, was taken up and made the special order for Monday next, at 12 o'clock, M.

Mr. McCallum presented the following report:

*Mr. President:*

The Committee on Engrossed Bills have examined a bill for an Act to repeal an Act entitled, an Act concerning the Fees of Public Administrator, passed April 28, 1851, and for other purposes, and find the same correctly engrossed.

J. G. McCALLUM,  
Chairman.

Mr. McCallum moved to take from the table the Executive message appointing a Port Warden for the port of San Francisco.

Upon which, the ayes and noes were demanded by Messrs. Mandeville, French and Gove, with the following result:

AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Ferguson, Flint, Hawthorne, McCallum, McCoun, McGee, Waite and Westmoreland—13.

NOES.

Messrs. Crandall, Day, Dosh, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, Rust, Shaw and Wilson—12.

So the motion prevailed.

Mr. Rust moved a call of the Senate.

Lost.

On motion of Mr. Mandeville, the Senate went into executive session.



## EXECUTIVE SESSION.

On the question confirming the nomination of Flournoy Shockley as Port Warden of the port of San Francisco, the roll was called, with the following result :

## AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Ferguson, Flint, Hawthorne, McCallum, McCoun, McGee, Rust, Waite and Westmoreland—14.

## NOES.

Messrs. Crandall, Day, Dosh, French, Gove, Heintzelman, Hook, Lippincott, Mandeville and Shaw—10

So the nomination was confirmed.

Mr. Rust gave notice that he would move a reconsideration of the vote tomorrow.

The Chair decided the notice out of order.

Mr. Rust appealed from the decision of the Chair.

And the question being " Shall the decision of the Chair stand as the judgment of the Senate."

The ayes and noes were demanded by Messrs. Coffroth, McCallum and McConnell, with the following result:

## AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Dosh, Ferguson, Hawthorne, McCallum, McCoun, McGee, Waite and Westmoreland—13.

## NOES.

Messrs. Day, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeil and Rust—9.

So the decision of the Chair was sustained.

Mr. Coffroth moved that the injunction of secrecy be removed.

Lost.

## IN SENATE.

Assembly bill No. 8, an Act entitled an Act in relation to personal mortgages in certain cases, passed May 11, 1853, was taken up.

Considered and rejected.

Mr. McCoun reported back Assembly bill No. 19, a bill for an Act making an appropriation for the temporary support of the State Prison.

Considered in Committee of the Whole, amended, read a third time and passed.

The hour for the special order having arrived, Senate bills Nos. 27 and 28, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice in this State, passed April 29th, 1851; and an Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed May 15th, 1854, were taken up.

Made the special order for to-morrow, at 12 o'clock M.

On motion, the Senate adjourned.

R. M. ANDERSON,  
President of the Senate.

Attest:

WM. BAUSMAN, Secretary of Senate.

## IN SENATE.

SATURDAY, February 9, 1856.

Senate met pursuant to adjournment.

Lieutenant Governor in the chair.

Prayer by Rev. Mr. Pratt.

Roll called, and Mr. Fiske found to be absent.

Journal of yesterday read.

Mr. French moved, that so much of the Journal of yesterday as related to the Executive Session be filed separately.

Lost.

On motion, the same was read and approved as a portion of the Journal.

Journal of yesterday approved.

Mr. Mandeville presented an account from the printing establishment of the Columbia Gazette.

Referred to the Committee on Contingent Expenses.

Mr. Day, according to previous notice, introduced a bill entitled, an Act to authorize the Funding of the Debt of the City of San Jose, and to provide for the payment of the same.

Read first and second times, and referred to the Senator from Santa Clara, Mr. Day.

Mr. Flint moved, that Senate bill No. 3, an Act to provide for the better observance of the day known as the Christian Sabbath, be printed.

Lost.

Mr. Day gave notice, that he would on Tuesday next, or at an early day thereafter, introduce an Act to amend an Act entitled, an Act to provide for the incorporation of Rail Road companies, passed April 22, 1853, and amended May 15, 1854.

Mr. Ferguson presented the following report:

*Mr. President:*

The Judiciary Committee, to whom was referred Assembly bill No. 42, entitled an Act to change the name of William Henry Clark, to William Clark Penton, have considered the same, and beg leave to report the same back to the Senate, and recommend its indefinite postponement.

W. I. FERGUSON,  
Chairman.

Mr. Burton moved, that the bill just reported be indefinitely postponed.

Upon which, the ayes and noes were demanded by Messrs. French, Norman, and Mandeville, with the following result:

## AYES.

Messrs. Ashley, Burnett, Burton, Rynum, Coffroth, Cosby, De La Guerra, Dosh, Ferguson, Hawthorne, McCallum, McCoun, McGee, Rust, Shaw, Westmoreland, Wilson—17.

## NOES.

Messrs. Crandall, Day, Fiske, Flint, French, Gove, Hook, Lippincott, Mandeville, McNeill, Norman and Waite—12.

So the motion prevailed, and the bill was indefinitely postponed.

Mr. Ferguson presented the following report:

*Mr. President :*

The Judiciary Committee, to whom was referred Senate bill No. 20, entitled an Act concerning the Interest of Money, have had the same under consideration.

The object of the bill is, to make it illegal for parties to receive or contract for more than sixteen per cent. per annum, interest upon the loan or forbearance of any money, goods, or things in action, with a right of action in favor of the party paying, against the party receiving more than such amount of interest, for the recovery of not less than seven times, nor more than eleven times the amount of the money so paid.

While the price of every other commodity and article of trade is left wholly unrestricted by law, to be settled according to its market value, in the discretion of the parties to the contract—we see no good reason why money, and money alone, should be made an exception to that wise rule. That the price of all horses should be the same, and no man, at any time, should be allowed to pay more than one hundred dollars for a horse, would be most unwise and oppressive upon the rights of the people—because, the fluctuations of the market are such, that a horse of the same quality and description, which would be really worth one hundred dollars to day, might, in ten days, be worth one hundred and twenty dollars—and also, because there is a great difference in the intrinsic value of horses. So with money. Its actual value changes according to the laws of trade, as does that of every other kind of property.

The merchant or trader who is compelled to borrow or sink into hopeless bankruptcy may, in thirty days from now be able to pay one or two per cent. per month, for the loan of money more than he could afford to pay to-day, and derive more profit from his business when he pays the greater, than when the lesser amount of interest. This is a fact in the knowledge of every man at all conversant with business, whether he be a borrower or lender, or neither, and as there is a difference in the intrinsic value of horses, so there is a difference in the intrinsic value of notes, accounts and other means of security, which men purchase when they loan money. A usury law contemplates that all notes, accounts and other means of security upon which loans of money are effected, if they are of the same amount are in all cases of the same value, a conclusion to which the Committee are unable to arrive. The doctrine that two men, of full age and sound mind, in a matter of private contract for the loan of money don't know their own interest, are unfit to make their own bargains, when they and they only know the object of the loan, the purposes to which the money is to be ap-



plied and consequently the probable prospect of what profit will be derived from its use, and when no other person can be injured or affected by it, taken in connection with the fact that in all other contracts they are left at full liberty to pay or sell, at any price they please, lands, goods and all other property is in direct conflict with the old tone and spirit of our laws on every other subject, and with that innate sense of freedom and independence every man living in a free country should possess, an Act calculated to impose any fetters on an individual, in regard to making contracts, is an abridgment of his personal liberty, and unless he is insane, or by law incompetent to act for himself, should never be resorted to save upon one consideration, that in its results it would promote some general and important benefit. Would such be the result of the operation of this bill? It is contended by the advocates of such a measure that it will prevent the prodigal and the weak from extortion and ruin, and that it will prevent the poor but honest borrower from imposition and oppression, by the relentless and heartless usurer. This law would not prevent the prodigal and the weak from ruin, because the law, which no one proposes to alter, allows him to sell or dispose of his estate, whatever it may consist of, at any price he sees proper, and the same feeling which would prompt him to borrow money at an exorbitant price would prompt him not only to encumber but entirely to part with his property, at a price much below its value, when if he was allowed to borrow money at the actual market value, he could offer his property as security, and prevent such a sacrifice, and thus the very calamity prevents that which this law would tend to produce, but professes to remedy. Nor would such a law be calculated to benefit the honest and enterprising trader, who, to carry on his business, is compelled to obtain a loan; because, when the use of money was worth more than the estimate placed upon it by law, those who loaned at all, would, of course, loan to those who could offer the best security; and the rich, those who could offer undoubted security in the way of real estate, would have the preference, while the honest but desperate trader, who could give nothing but his personal security, or property of uncertain value, could not obtain it, because he is not allowed to give more than he who can furnish ample security in real estate.

But another evil result is this, whenever the actual value of money was more than the law recognized, the conscientious and timid who had money to loan, either out of respect for or fear of the law, would refuse to loan at all, because they could more profitably turn their capital in some other channel, while those less scrupulous would demand and receive a greater price than the actual value, because the competition in the way of loans would be diminished, and the fear of incurring the penalty of the law would increase the risk.

But concede, for the purpose of argument, that the law, as it now exists, allowing parties to contract on their own terms for the amount of interest to be paid, will sometimes enable an unscrupulous and heartless capitalist to obtain from an honest and needy debtor, an exorbitant price for the use of money, which occasions his failure. Is it not better that such an individual misfortune should sometimes occur, than that there should be produced a general stagnation of trade throughout the community.

No human law is perfect, or can reach properly all cases. No law ever was or will be passed but what will occasionally operate as a hardship in some particular case; but where a law authorizing parties, from the market value of the article and from the particular circumstances surrounding the case, to be controlled by their own judgment in making a contract to suit themselves, where it works a hardship in one instance, it will be a benefit in at least one hundred.

Pass this usury law, and it will follow just so sure "as the night the day," that the money of many of our most enterprising capitalists, which is now scat-

tered throughout the community, enlivening and refreshing every avenue of trade and commerce, will, on account of the unsettled condition of the land titles in this State (the great basis in any community for security on money) be withdrawn and sent for investment to the older States, where, although the interest may be less, the living is much cheaper, and the risk much less.

It is always bad policy to pass any law, unless demanded by an imperative necessity for the public good, when we know it will be neither respected or obeyed, because, in such a case, it tends to lessen the respect and reverence of the people for other laws absolutely necessary for the good order and well being of community.

It is thought the experience of every country in which usury laws have prevailed, will bear witness to their frequent and almost constant violation owing, no doubt, to the natural repugnance in every man's bosom to be controlled by an officious intermeddling of the law in matters of their own private interest and concern.

Another objection to this bill is, it provides for a forfeiture of not less than seven times the amount of illegal interest received, at the suit of the borrower against the lender, thus enabling a dishonest debtor, who, perhaps, in some pressing necessity has been saved from ruin by obtaining the loan, and when he has been equally guilty of a violation of the law to take advantage of his own wrong and speculate on the fruits of his own dishonesty. It is offering a bribe, a large reward for ingratitude and rascality.

But it may be said in favor of this bill, that we have the precedent of a long period of time, and of almost every civilized nation in the favor of the adoption of such a measure. Although, in the feudal times in Europe, for the protection of Barons and Nobles, who had wars to prosecute at their own expense, and under the law of primogeniture, where it was the policy of the law to retain the possession of some great estate in one person, such a law may have been necessary (the propriety of which the Committee do not propose to discuss;) yet now at this day, in this country, where property is so much divided, and where every man's fortune depends on his own energy, his own industry, and his own skill, the reason for such a law, if it ever was the case, has ceased to exist; and while we have a due respect for old customs and ancient usages, yet when we are satisfied the causes which produced them have ceased to exist, and that in the progress of the age, in trade and commerce, and in our present condition, they are no longer applicable, we should not hesitate to disregard them, though they had the sanction of a thousand ages and as many notions. California is as yet a young State. She contains within her limits all the elements of a great and growing empire. Her commerce already whitens every sea, and kisses the breeze upon every ocean; and as she has been foremost in discarding old and foolish prejudices, and tearing off the fetters from trade only educated to cripple her energies, let her now not retrograde. The position she has so nobly taken on this question is already the subject of admiration and imitation in many of the older States. The Governors of Virginia and South Carolina have recently recommended to the Legislatures of those States the adoption of a similar course, and the Chamber of Commerce of New York have made a report to the same effect. Whatever course they may pursue, let us adhere to the stand we have first taken; and with the law upon our statute book as it now exists, and which is well enough, fixing the rate of interest between the parties where they fail to do so themselves, in order to prevent dispute, let us let well enough alone, and as the precious metals (more abundant here than elsewhere) are procured from the golden joins of our own mountains, to be coined at the metropolis of our own State, let them circulate freely through the community governed

ly the same rule that common sense applies to every other commodity that they shall demand their real and actual market value.

For the reasons in part above given, and which are not intended as more than a mere outline or skeleton of the argument on the question, the Committee, to whom the bill was referred, would most respectfully recommend its indefinite postponement.

W. I. FERGUSON,  
Chairman.

On motion of Mr. Shaw, the bill reported upon, entitled an Act concerning the Interest of Money, was made the special order for the first Monday of March next.

Mr. Burnett moved that the report be printed.

On motion of Mr. Mandeville, the whole subject of printing was laid upon the table.

On motion of Mr. Coffroth, Consul Dillon was invited within the bar of the Senate.

The hour for the special order having arrived, the Senate took up Senate bill No. 27, an Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice in this State, passed April 29, 1851.

On motion of Mr. Heintzelman, the bill was laid upon the table.

A second special order was then called up, being Senate bill No. 28, an Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed May 15, 1854.

The same was considered and amended as in Committee of the Whole.

On motion of Mr. Ferguson, the bill was then laid upon the table.

On motion of Mr. Dosh, the Hon. C. K. Garrison and Commodore Farragut were invited within the bar of the Senate.

The following messages were received from His Excellency the Governor:

EXECUTIVE DEPARTMENT,  
February 8, 1856. }

*To the Hon. the Senate of California:*

I have this day approved a bill originating in the Senate, entitled an Act to provide for Funding the Floating Debt of the City of Marysville, and for the Extinguishment thereof, and for other purposes.

I have the honor to be,  
Your obt. servt.,

J. NEELY JOHNSON.

EXECUTIVE DEPARTMENT.  
February 9, 1856.

*To the Hon. the Senate of California:*

I hereby nominate and appoint Gustavus A. Stacey, Port Warden of the Port of San Francisco, *vice* Thomas W. Brennan, removed, and I respectfully ask the concurrence of the Senate therein.

I have the honor to be,  
Your obt. servt.,

J. NEELY JOHNSON.

On motion of Mr. Burton, the Senate went into Executive Session, to consider the message of the Governor.

After some time spent in Executive Session:

#### IN SENATE.

According to previous notice, Mr. Lippincott moved to amend the Standing Rules of the Senate, by dispensing with the roll call in the mornings.

Upon which, the ayes and nays were demanded by Messrs. Ashley, Burton, and McCoun, with the following result:

#### AYES.

Messrs. Coffroth, Cosby, Crandall, De La Guerra, Dosh, Ferguson, Fiske, Flint, French, Gove, Hawthorne, Heintzleman, Hook, Lippincott, McGee, McNeill, Norman, Rust, Westmoreland and Wilson--20.

#### NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Day, Mandeville, McCallum, McCoun, Shaw and Waite--10.

So the motion prevailed, and the practice was dispensed with.

Mr. Westmoreland gave notice that on Monday next he would move to reconsider the vote had on yesterday refusing to pass to its third reading the Assembly bill No. 8, entitled an Act to amend an Act in relation to personal mortgages in certain cases, passed May 11, 1853.

Mr. Coffroth moved that when the Senate adjourns, it adjourn to meet on Tuesday next, at 11 o'clock, A. M.

Mr. Norman moved that the Senate do now adjourn till Tuesday next.



Upon which the ayes and noes were demanded by Messrs. Ashley, Burton and McCoun, with the following result:

## AYES.

Messrs. Coffroth, Crandall, Day, De La Guerra, Dosh, Ferguson, Fiske, Flint, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman and Rust—17.

## NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Hawthorne, McCallum, McCoun, Waite, Westmoreland and Wilson—11.

So the motion prevailed and the Senate stood adjourned.

## IN SENATE.

TUESDAY, February 12, 1856.

Senate met pursuant to adjournment.

Mr. Ashley, President *pro tem.* in the chair.

Prayer by the Rev. Mr. Pratt.

Jornal of Saturday read and approved.

Mr. Mandeville presented the following petition:

KEELER'S FERRY, Feb. 8, 1856.

*To the Legislature of the State of California:*

We, the petitioners, petition your honorable body to grant to Cruthers & Stuart, of San Joaquin County, at Keeler's Ferry, on the Stanislaus River, a charter for their ditch or race for milling and mining purposes, and to use the water of said river.

DANIEL JOHNSON, and 20 others.

Referred to the Committee on Corporations.

Mr. Crandall presented the following petition:



*To the Honorable the Senate and House of Representatives of the State of California, in Legislature assembled:*

We, the undersigned, citizens of the town of Sutter Creek and vicinity, County of Amador, and State of California, would most respectfully petition your honorable body for the enactment of a law prohibiting the sale of all kinds of produce and merchandise on Sunday; and that this our petition may be granted we would ever pray.

CHARLES W. WAITE, and 62 others.

Referred to the Committee on Public Morals and Police.

Mr. French presented the weekly account of the Sacramento Postmaster.

Referred to the Committee on Contingent Expenses.

Mr. Dosh presented the following petition:

*To the Hon. the Senate of the State of California now in session,*

The undersigned, the Board of Supervisors for the County of Shasta, would respectfully set forth to your honorable body, that the State law made and provided for the maintenance of the Indigent Sick in the several counties in this State, does not afford sufficient means to effect that object within the limits of this county. We would, therefore, respectfully petition your honorable body for the passage of a law giving the Supervisors of this county special authority to levy a *per capita* tax, not exceeding two dollars upon the taxable inhabitants of this county, for the support and maintenance of the indigent sick within its limits; and, also, to increase the property tax from twenty-five cents, as now provided by law, to fifty cents upon one hundred dollars of taxable property, for the same purpose; or grant such relief to us as you may in your wisdom deem most expedient, and your petitioners will ever pray, etc.

L. H. TOWER,  
K. C. BABCOCK,  
W. H. DENNISON,

Shasta City, Feb. 6, 1856.

Referred to Mr. Dosh. \*

Mr. Cosby presented the following petition:

*To the Honorable the Senate and House of Representatives of the State of California:*

We, the undersigned, citizens of Siskiyou county, respectfully represent that the increasing population and business of the extensive mining region of Salmon river, Klamath and Scott's River, and the agricultural interest of Scott and Trinity Valleys, require a better road communicating with the navigation on Sacramento river and with San Francisco.

A practicable wagon road can be made in the vicinity of the present trail

route from Shasta City via Clear Lake and Trinity river to Scott Valley, with an expense small in comparison with the vast interest it would promote to the State and to the General Government, it would lessen the cost of the miners' and farmers' supplies, stimulate and encourage the production of all, and promote the permanent settlement and improvement of the fine agricultural district of Scott's valley and Trinity, by an intelligent and industrious people that would contribute largely to the revenue of the State and General Government, and open a desirable military and mail communication, and continuous wagon road between navigation on the Sacramento river, Fort Jones, Yreka and Oregon Territory.

We would most respectfully suggest, as a convenient and suitable means to accomplish the speedy construction of the proposed road, that Congress be memorialized by your honorable body, in connection with the people of this section of country, to appropriate fifty thousand acres of land in Scott Valley; that provision be made to offer said lands, one 25 100 dollars per acre, to those who occupy and have improved, or have purchased the improvements or the acquired rights of others to them, with the further provision that all such lands not paid for by such occupants within one year, shall be sold to the highest bidder for the benefit of said road; that Commissioners be appointed from the section most interested in the road, to proceed with the construction thereof as fast as the proceeds of the sale of the lands is received.

We confidently believe the benefits arising to the General Government will manifold pay the price of the lands appropriated.

GEO. HERD,  
JNO. MCCONAUGHY,  
And 17 others.

February 4th, 1856.

Referred to Committee on Roads and Highways.

On motion of Mr. French, Gov. Foote was admitted within the bar of the Senate.

The following communication was received from the Controller of State.

Ordered printed, and referred to the Committee on Finance.

SENATE CHAMBER, January 29, 1856.

To the HON. GEORGE W. WHITMAN,  
*Controller of State:*

I am directed by the Senate to inform you that the Senate this day passed the following resolution:

*Resolved*, That the Controller of State be requested to report to the Senate, without delay, *the aggregate receipts* into the State Treasury, from all sources, from the 1st day of July, 1855, to the 20th day of January, 1856, inclusive; also to report a *detailed and specified statement of all expenditures* of the State, and all Controller's Warrants issued during the same period. Also,

*Be it Resolved*, That the Controller of State be requested to furnish the

Senate a statement of the *amount of Warrants issued from his office during the year 1855, previous to the 1st day of July, which have not been bonded.*

Very respectfully,

W. BAUSMAN,  
Secretary of Senate.

### No. 1.

*Exhibit of Receipts into the State Treasury from July 1, 1855, to Feb. 5, 1856.*

#### FROM WHAT SOURCES.

Poll Tax of 1854	-	-	-	-	-	-	\$11,689 40
Poll Tax of 1855	-	-	-	-	-	-	41,596 36
Property Tax of 1854	-	-	-	-	-	-	51,979 08
Property Tax of 1855	-	-	-	-	-	-	193,045 88
Foreign Miners' Licenses	-	-	-	-	-	-	143,529 88
Merchants' Licenses	-	-	-	-	-	-	4,033 24
Bankers' Licenses	-	-	-	-	-	-	4,578 34
Gaming License	-	-	-	-	-	-	1,665 79
Peddler's License	-	-	-	-	-	-	14,645 34
Liquor License	-	-	-	-	-	-	101 85
Auction License	-	-	-	-	-	-	3,400 94
Auction Duties	-	-	-	-	-	-	3,702 51
Possessory Claims	-	-	-	-	-	-	114 00
Fees and Commissions from Secretary of State's Office	-	-	-	-	-	-	1,758 09
Circus License	-	-	-	-	-	-	82 45
Fines for violation of Revenue Laws	-	-	-	-	-	-	237 17
Billards and Bowling Alleys	-	-	-	-	-	-	7,891 43
Insurance Companies	-	-	-	-	-	-	97 00
Military Tax	-	-	-	-	-	-	263 49
Brokers' License	-	-	-	-	-	-	540 85
Theater License	-	-	-	-	-	-	1,192 90
Swamp and Overflowed Lands	-	-	-	-	-	-	7,532 48
Consigned Goods	-	-	-	-	-	-	10,667 43
State Property	-	-	-	-	-	-	53 12
Serenaders	-	-	-	-	-	-	87 30
Estates of Deceased Persons	-	-	-	-	-	-	263 17
Total receipts	-	-	-	-	-	-	\$504,149 40

### No. 2.

*Exhibit of Expenditures from July 1, 1855, to February 5, 1856.*

#### SALARIES—TO WHOM PAID.

##### Governor's Salary.

John Bigler, from June 1, 1855, to January 8, 1856	-	-	\$6,055 63
J. Neely Johnson, from 8th to 31st January, 1856	-	-	611 14

*Controller's Salary.*

Samuel Bell, from July 1st to December 31st, 1855	-	-	2,625 00
George W. Whitman, January, 1856	-	-	375 00

*Treasurer's Salary.*

S. A. McMeans, from June 1st to December 31st, 1855	-	-	2,625 00
Henry Bates, January, 1856	-	-	375 00

*Salaries of Secretaries of State*

J. W. Denver, from May to September 30, 1855	-	-	1,453 34
C. H. Hempstead, from November, 1855, to January 10, 1856	-	-	640 83
David F. Douglass, from 10th to 31st January, 1856	-	-	195 16

*Salary of Attorney-General.*

J. R. McConnell, from June to Dec. 31, 1855	-	-	1,166 64
---	---	---	----------

*Salaries of Surveyor-Generals.*

S. H. Marlette, from June, 1855, to Jan. 6, 1856	-	-	1,199 98
John A. Brewster, January, 1856	-	-	133 36

*Salary of Quartermaster-General.*

Wm. C. Kibbe, from May, 1855, to Jan. 31, 1856	-	-	2,250 00
--	---	---	----------

*Salaries of Superintendents of Public Instruction.*

Paul K. Hubbs, from May, 1855, to January 31, 1856	-	-	\$3,375 00
--	---	---	------------

*Salaries of Clerks in Controller's Office.*

Elam Covington, from June, 1855, to December 31, 1855	-	-	1,390 00
Charles G. Gray, from June, 1855, to September, 1855	-	-	\$963 00
William S. Hughson, from June, 1855, to January 31, 1856	-	-	2,160 00
A. A. Porter, September, 1855	-	-	117 00
William Willis, October, November, and December, 1855	-	-	810 00
Henry H. Whitman, January, 1856	-	-	270 00
Edward G. Vaughn	-	-	270 00

*Salaries of Clerks in the Treasurer's Office.*

George W. Gordon, from June to December 31, 1855	-	-	\$1,800 00
George W. Gitt, June, 1855	-	-	270 00
H. H. McMeans, July, 1855	-	-	270 00
F. R. Bunker, August, 1855, to December 31, 1855	-	-	1,350 00
J. M. Rhodes, January, 1856	-	-	270 00
E. A. Rowe, January, 1856	-	-	270 00

*Salaries of Clerks in Secretary of State's Office.*

W. H. R. Wood, from May, 1855, to November, 1855	-	\$1,665 00
C. Hawkins, from June, 1855, to November, 1855	-	1,395 00
James A. Patterson, from June, 1855, to November, 1855	-	1,260 00
A. M. Zabriskie, from November, 1855, to January 10, 1856	-	585 00
D. B. Hempstead, from November, 1855, to January 10, 1856	-	585 00
James Langley, from November, 1855, to January 10, 1856	-	585 00
William D. Bagley, from 10th to 31st January, 1856	-	180 00
W. H. R. Wood do do do	-	180 00
Joseph P. Vaughan do do do	-	180 00

*Salaries of Supreme Court Judges.*

Charles H. Bryan, from June, 1855, to November, 1855	-	\$3,577 77
Hugh C. Murray, from June, 1855, to January, 1856	-	6,499 98
S. Heydenfeldt, from June, 1855, to January, 1856	-	6,666 67
David S. Terry, December, 1855, and January, 1856	-	1,755 55

*Salaries of District Judges.*

Benjamin Hayes, from June, 1855, to October 31, 1855	-	1,250 00
Delos Lake, for June, 1855	-	\$412 00
E. W. McKinstry, from June, 1856, to January 31, 1855	-	3,805 00
C. P. Hester, from December, 1855, to January 31, 1856	-	3,631 64
Edward Norton, from March, 1855, to January 31, 1856	-	2,846 65
J. M. Howell, from May to December 31, 1855	-	3,373 00
A. C. Monson, from July, 1855, to January 31, 1856	-	2,565 00
Charles M. Creaner, from May, 1855, to January 31, 1856	-	3,753 00
W. P. Daingerfield, from July, 1855, to January 31, 1856	-	3,365 00
J. M. Peters, from June, 1855, to January 31, 1856	-	3,625 00
Josquin Carillo, from April to December 31, 1855	-	2,250 00
John S. Hager, from July to November 31, 1855	-	2,153 00
William T. Barbour, from July to December 31, 1855	-	2,657 00
E. Burke, October, November, and December, 1855	-	1,000 00

*Salaries of Governors' Private Secretaries.*

Charles H. Hempstead	-	218 46
Charles H. Hempstead, from June to October 31, 1855	-	1,041 65
P. J. Hopper, November, 1856	-	208 33
Andrew Brady, from December, 1855, to January 9, 1856	-	270 74
William H. Rhodes, 9th to 31st January, 1856	-	145 95

*Salary of Secretary of Supreme Court.*

James T. Ewing, from May, 1855, to January 31, 1856	-	1,350 00
---	---	----------

*Contingent Fund of Controller.*

C. Binney, stationery, &c.	-	407 70
Ferris Forman, postage, &c.	-	245 30



Elam Covington, contingents of Controller's office, as per memorandum book	-	-	-	-	-	517 00
A. A. Porter, salary	-	-	-	-	-	1,583 00
Frank Denver, fitting up office, and sundries furnished	-	-	-	-	-	209 50
Pacific Express Co., Express charges	-	-	-	-	-	45 00
Claiborne, porter	-	-	-	-	-	300 00
Sam. Bell, traveling expenses on official business	-	-	-	-	-	450 00

*Contingent Fund of Controller--Deficiency.*

Cooke, Kenny & Co, stationery, &c	-	-	-	-	-	10 00
W. Farwell, water	-	-	-	-	-	70 50
Charles Binney, stationery	-	-	-	-	-	3 91
Sam. Bell, traveling expenses, previous year	-	-	-	-	-	700 00
Claiborne, porter	-	-	-	-	-	50 00
Ferris Forman, postage	-	-	-	-	-	61 70
Wm. J. Hughson, traveling expenses and contingents of office	-	-	-	-	-	100 00

*Contingent Fund of Treasurer.*

George W. Gift, printing four reams letter heads	-	-	-	-	-	100 00
Chas. Binney, stationery, &c.	-	-	-	-	-	120 25
Ferris Forman, postage, &c,	-	-	-	-	-	247 80
A. A. Porter, Clerk	-	-	-	-	-	30 00
Pacific Express Company,	-	-	-	-	-	139 04
S. J. May & Co., Advertising Treasurer's Notice,	-	-	-	-	-	5 00
J. Little, Porter,	-	-	-	-	-	44 00
Charles E. Parker, Assistant Clerk,	-	-	-	-	-	144 00
F. M. Case, Clerk,	-	-	-	-	-	135 00
Bryant & Bradley, moving Safe and Office Furniture,	-	-	-	-	-	56 00
F. Tillman, Repairing Lock on Vault Door,	-	-	-	-	-	30 00
Peter Donohoe, Repairing Safe,	-	-	-	-	-	50 00
Claiborne, Porter,	-	-	-	-	-	150 00
J. Bithell, Stationery, &c.,	-	-	-	-	-	19 00
Alta California Printing and Publishing Office,	-	-	-	-	-	28 50
S. A. McMeans	-	-	-	-	-	100 00
George W. Gordon, Clerk,	-	-	-	-	-	160 00
H. H. McMeans,	-	-	-	-	-	108 00
LeComt & Strong, Stationery,	-	-	-	-	-	223 60
Frank Soule & Co., Printing,	-	-	-	-	-	25 00
F. R. Bunker, Clerk,	-	-	-	-	-	45 90

*Contingent Fund of Secretary of State.*

Ferris Forman, Postage,	-	-	-	-	-	265 50
A. A. Porter, Assistant Clerk	-	-	-	-	-	30 00
W. H. R. Wood, paid for Sundries	-	-	-	-	-	180 00
Charles Little, Porter	-	-	-	-	-	548 26
Wells, Fargo & Co, Postage and Express	-	-	-	-	-	17 50
George H. Mixer, Drayage	-	-	-	-	-	229 00
Samuel Youngs, Storage of Old's Library	-	-	-	-	-	75 00
J. W. Denver, Traveling Expenses	-	-	-	-	-	450 00
Howard Borradaile & Co., Candles	-	-	-	-	-	35 31

E. Covington, paid for Watering Streets	-	-	0 00
W. T. Crocker, cleaning Yard around Capitol	-	-	40 00
Charles Little	-	-	60 00
Charles H. Hempstead, Expenses incurred attending Board of Land Commissioners and Newspapers	-	-	280 00
P. J. Hopper, Work and Labor in sending off Journals	-	-	50 00
John Nugent, Subscription to Herald	-	-	15 00

*Contingents of Quartermaster-General.*

C. Binney, Stationery, &c	-	-	-	126 75
Ferris Forman, Postage	-	-	-	30 80
A. Koneman, Furniture	-	-	-	25 00
Pacific Express Company, Express Charges	-	-	-	85 00
Jesse Hackett, Porter	-	-	-	87 00
Burton & McCarty, 1 Box Candles	-	-	-	14 40
John Schade, Cleaning and Repairing State Arms	-	-	-	126 00
Gardiner & Kirk, Scott's Tactics, 3 vols	-	-	-	7 33
W. C. Kibbe, Contingents as per bill on file	-	-	-	50 00

*Contingents of Attorney General.*

George W. Murray & Co., Stationery, &c.	-	-	25 00
---	---	---	-------

*State Marine Hospital.*

S. M. Bowman, Certified Accounts	-	-	-	8,400 00
Castree & Byrne, "	-	-	-	3,515 89
Lowe, Ebbetts & Co. "	-	-	-	300 00
E. H. Coe & Co. "	-	-	-	175 00
George Green, "	-	-	-	1,596 24
John Myres "	-	-	-	27 50
R. C. Page & Co. "	-	-	-	1,176 10
A J Butler, Assignee "	-	-	-	7,760 18
B. Fred'k Moses "	-	-	-	900 00
E. McGowan, Assignee, Certified Accounts	-	-	-	6,270 38

*Contingents of Superintendent of Public Instruction.*

Jessee Sawyer, Postage and Freight	-	-	-	35 50
Ellen P. Gulick, Administratrix, Express Charges	-	-	-	61 25
Thomas T. Hooper, Postage Charges	-	-	-	77 40
John W. Jones, Stationery, Copying, &c.	-	-	-	62 18
Paul K. Hubbs, Wood, Portorage, Express Charges, Traveling Expenses, &c.	-	-	-	570 09

*Superintendent of Public Instruction, Deficiency.*

Ellen P. Gulick, Administratrix, Wood and Express Charges	-	-	-	28 75
E. J. Waite, Printing in Los Angeles Star	-	-	-	30 00
Paul K. Hubbs, Rent of Office	-	-	-	738 90

*Contingents of Surveyor General.*

S. H. Marlette, Cash paid for Contingent Expenses	-	-	-	-	83 33
S. H. Marlette, Sundries	-	-	-	-	1,338 77

*Contingents of Supreme Court.*

B. F. Hastings & Co., Rent of Supreme Court Rooms	-	-	-	-	1,200 00
D. N. Hunt, Sheriff's Attendance on Supreme Court	-	-	-	-	150 00
Clapp and Taylor, Reward for the Apprehension of Fugitives from Justice	-	-	-	-	1,000 00

*Contingents of the Legislature.*

J. C. Doherty, Fitting up Capitol	-	-	-	-	4,561 00
Wm. Mara	-	-	-	-	250 00

*Paper for Printing.*

B. B. Redding, bills on file,	-	-	-	-	\$3,111 00
Do do	-	-	-	-	67 25

*Printing.*

B. B. Redding, State Printing,	-	-	-	-	24,013 29
--------------------------------	---	---	---	---	-----------

*Translating Laws, &c.*

Agustin Ainsa,	-	-	-	-	419 00
----------------	---	---	---	---	--------

*Rent of Office for Land Commissioners.*

Halleck, Peachy, Billings & Park, from February 1855 to December 31, 1855, at \$100 per month,	-	-	-	-	1,100 00
--	---	---	---	---	----------

*Copying Laws and Journals.*

James A. Patterson,	-	-	-	-	100 00
C. Hawkins,	-	-	-	-	90 00
J. F. Howe,	-	-	-	-	75 59
James Miller,	-	-	-	-	176 80
P. J. Hopper,	-	-	-	-	200 00

*Transportation of Prisoners, Deficiency.*

Russell Heath, Sheriff of Santa Barbara county,	-	-	-	-	465 00
Harvey Johnson, Sheriff of Napa county,	-	-	-	-	55 00
Mark F. Garr, Sheriff of Sutter county,	-	-	-	-	25 00
D. D. Buel, Sheriff of El Dorado county,	-	-	-	-	1,025 00
W. W. Wright, Sheriff of Nevada county,	-	-	-	-	450 00
D. N. Hunt, Sheriff of Sacramento county,	-	-	-	-	2,170 00
John Boling, Sheriff of Mariposa county,	-	-	-	-	1,590 00

W. A. Nunnally, Sheriff of Shasta county,	-	-	-	380 00
Charles A. Clarke, Sheriff of Calaveras county,	-	-	-	880 00
James A. Douglass, Sheriff of Yolo county,	-	-	-	312 00
L. G. C. Howell, Sheriff of Santa Cruz county,	-	-	-	135 00
O. K. Stempley, " " " "	-	-	-	270 00
Jacob Schreterly, Sheriff of San Luis Obispo county,	-	-	-	335 00
W. W. Wright, Sheriff of Nevada county,	-	-	-	450 00
E. B. Carson, Sheriff of El Dorado county,	-	-	-	123 00

*Transportation of Prisoners.*

D. N. Hunt, Sheriff of Sacramento county,	-	-	-	1,085 00
M. Gray, Sheriff of Yuba county,	-	-	-	1,540 00
John Boling, Sheriff of Mariposa county,	-	-	-	265 00
Harvey Johnson, Sheriff of Napa county,	-	-	-	55 00
P. L. Solomon, Sheriff of Tuolumne county,	-	-	-	470 00
Charles A. Clarke, Sheriff of Calaveras county,	-	-	-	440 00
W. W. Wright, Sheriff of Nevada county,	-	-	-	675 00
R. W. Armstrong, Sheriff of Placer county,	-	-	-	190 00
Wm. McClutchan, Sheriff of Santa Clara county,	-	-	-	225 00
L. G. Lyon, Sheriff of Amador county,	-	-	-	630 00
Mark F. Garr, Sheriff of Sutter county,	-	-	-	345 00

*Fitting up Treasurer's Office with Safe.*

Frank Denver,	-	-	-	-	129 60
J. & P. Donahue,	-	-	-	-	2,299 50

*Contingents of the Legislature.*

Wells, Fargo & Co. for distributing Laws and Journals,	-	1,500 00
--	---	----------

*Insane Asylum.*

Support and maintenance,	-	-	-	-	29,956 66
--------------------------	---	---	---	---	-----------

*Insane Asylum, Buildings, &c.*

Furniture, &c.,	-	-	-	-	5,000 00
Erection of buildings, &c.,	-	-	-	-	10,000 00

*Support of Indigent Sick.*

Tuolumne county, paid to County Treasurer,	-	-	-	414 66
Shasta county,	-	-	-	766 37
San Francisco county,	-	-	-	983 67
Butte county,	-	-	-	725 58
Los Angeles county,	-	-	-	629 18
El Dorado county,	-	-	-	3,700 62
Santa Clara county,	-	-	-	620 49
Sacramento county,	-	-	-	851 37
Amador county,	-	-	-	208 99

Placer county, paid to County Treasurer,	-	-	528	94
Sierra county,	-	-	425	82
Sonoma county,	-	-	330	97
San Joaquin county,	-	-	518	88
Plumas county,	-	-	182	54
Alameda county,	-	-	178	17
Siskiyou county,	-	-	356	31
Calaveras county,	-	-	1,019	46
Marin county,	-	-	135	18
San Diego county,	-	-	212	17
San Bernardino county,	-	-	25	00
Nevada county,	-	-	1,128	23
Contra Costa county,	-	-	635	08
San Luis Obispo county,	-	-	40	16

*Rent of Armory, &c.*

Samuel Youngs, from June 10 to July 10, 1855,	-	-	100	00
John Schade, repairing arms.	-	-	19	50

*Pay and Mileage of Lieutenant Governors.*

Samuel Purdy,	-	-	336	00
R. M. Anderson,	-	-	324	80

*Library Fund.*

W. H. R. Wood, newspapers,	-	-	72	50
McCount & Strong, binding,	-	-	67	00

*Physician and Trustees of Insane Asylum.*

R. K. Reid,	-	-	2,000	00
Trustees of Insane Asylum,	-	-	2,000	00

*Miscellaneous.*

Sarah Staples, relief appropriation,	-	-	400	00
State Agricultural Society,	-	-	5,000	00
A. J. F. Phelan, Clerk to California War Examiners,	-	-	900	00

*Senate Officers and Clerks.*

Sam Houston, from June 7, 1855, to Dec. 31, 1855,	-	-	1,827	00
Edward Ryan, Clerk,	-	-	56	00
C. Dickson, 1st to 7th January, 1856,	-	-	119	00
E. O. F. Hastings, 1st to 7th January, 1856,	-	-	98	00
Owen Mitchell, Page to Senate 3 days,	-	-	24	00
C. Huntman, Porter to Senate 5 days,	-	-	40	00
W. R. Gaines,	-	-	40	00
J. McClenchy, Door keeper to Senate 6 days,	-	-	84	00
G. C. Newman,	-	-	84	00



A. E. Waits, Enrolling Clerk to Senate 6 days,	-	-	84 00
J. McClenchy, Door-keeper to Senate 7 days,	-	-	98 00
Sundry Officers, to February 5, 1856,	-	-	5,067 00
Rasey Biveu, Assistant Secretary,	-	-	182 00

*Assembly Officers and Clerks.*

Charles E. Parker, from July 23, 1855, to Jan. 1, 1856,	-	1,440 00
Sundry Officers, vouchers on file,	-	738 00
Wm. Norman, Porter, 11th to 13th January, 1856,	-	24 00
Sundry Officers, vouchers on file,	-	1,101 00
Robert Titbole, Porter, 13th to 19th January, 1856,	-	48 00
Sundry Officers, vouchers on file,	-	1,685 00
B. F. Crouch, Chaplain, 14th to 26th January, 1856,	-	156 00
E. B. Thorne, Porter,	-	24 00
Sundry Officers, vouchers on file,	-	1,079 00

*Assemblymen, Per Diem and Mileage.*

Sundry Assemblymen, mileage,	-	10 911 50
Sundry Assemblymen, per diem,	-	23,920 00
Walter Murray, contestant,	-	368 00

*Senators, Per Diem and Mileage.*

Sundry Senators, per diem,	-	7,928 00
Sundry Senators, mileage,	-	3,675 21
D. R. Ashley,	-	256 00

*Salaries of State Prison Directors and Attaches.*

Richard N. Snowden, Inspector, June, 1855,	-	100 00
Richard N. Snowden, Director, to July 1, 1855,	-	258 34
Richard N. Snowden, July, August and September,	-	875 00
B. F. Pullen, Guard, August and September, 1855,	-	200 00
R. E. Russell,	-	376 66
John McCutchan, Guard, to October 7, 1855,	-	180 00
William Byrnes, Guard, to August,	-	100 00
Orro Clift, Guard, 1 month 10 days,	-	133 33
Jennings Estell, Guard, to October 1, 1855,	-	230 00
Thomas Watson,	-	256 66
E. P. Fisher,	17	200 00
J. M. Honk, Guard, 2 months 15 days,	-	250 00
Edwin Waller, Guard, 16 days,	-	53 33
Benjamin Fenwick, Guard, to October 1, 1855,	-	240 00
Richard Goodell, Guard, 1 month 12 days,	-	140 00
John McNabb, Guard, 1 month,	-	100 00
W. W. Winter, Guard, October, 1855,	-	100 00
James T. Stuart, Guard, 2 months 23 days,	-	276 66
Richard N. Snowden, Director, October, 1855,	-	191 61
William Burns, Guard, 1 month 29 days,	-	196 66
Edwin Waller, Guard, to November, 17, 1855,	-	100 00
John Larkin, Guard, 1 month,	-	100 00

James McLane, Guard, 1 month, 10 days,	-	-	-	\$66 66
Andrew Brady, Guard, 2 months, 16 days,	-	-	-	253 33
A. McAllister, Guard, 1 month, 3 days,	-	-	-	110 00
H. Bristol, Guard, 4 months, 27 days,	-	-	-	490 00
W. W. Winter, Guard, to November 28, 1855,	-	-	-	93 34
A. Andrews, Guard, 2 months, 23 days,	-	-	-	276 66
John J. Love, Director, 4 months,	-	-	-	1,160 68
Alfred W. Taliaferro, Physician, to October, 1855,	-	-	-	702 00
Corneilus O'Keefe, Guard, 3 months,	-	-	-	300 00
A. A. Hobbs, Guard, 4 months,	-	-	-	400 00
Asa Estes, Guard,	-	-	-	511 85
John M. Gray, Overseer,	-	-	-	291 94
Robert Perry, Guard, 2 months, 15 days,	-	-	-	250 00
G. W. Woods, Guard,	-	-	-	293 33
C. Frazier, Guard,	-	-	-	70 00
J. McKenzie, Guard,	-	-	-	326 66
Joseph Gray, Guard,	-	-	-	252 33
Edward Brennan, Guard,	-	-	-	277 67
John Shell, Guard,	-	-	-	356 66
F. W. Russell, Guard,	-	-	-	325 26
John Jones, Guard,	-	-	-	400 00
Hiram Catron, Guard,	-	-	-	400 00
H. E. Young, Guard,	-	-	-	285 26
Charles W. Robinson, Guard,	-	-	-	400 00
Robert Smith, Guard,	-	-	-	63 33
Henry Y. Cabell, Guard,	-	-	-	371 93
Peter Burns, Guard,	-	-	-	193 34
Sartial Root, Guard,	-	-	-	120 00
Milton Irish, Guard,	-	-	-	400 00
Richard N. Snowden, Director,	-	-	-	291 67
Thomas Ashton, Guard,	-	-	-	130 00
Joseph R. Richards, Guard,	-	-	-	200 00
John McNabb, Guard,	-	-	-	180 00
W. H. Palmer, Director,	-	-	-	1,322 19
A. H. Pillow, Deputy Warden,	-	-	-	867 00
William A. Hobbs, Guard,	-	-	-	200 00
Alexander Reed, Overseer,	-	-	-	442 50
Leroy Knight, Overseer,	-	-	-	383 34
Henry Morgan, Captain of Sloop "Pike County,"	-	-	-	777 77
William Burns, Guard at State Prison,	-	-	-	150 00
Asa Estes, " "	-	-	-	135 00
John S. Love, Director of " "	-	-	-	875 00
C. O'Keefe, Guard at " "	-	-	-	100 00
John F. Madden, Director,	-	-	-	719 45
R. N. Snowden, Director,	-	-	-	219 67
John M. Smith, Guard,	-	-	-	523 33
Thomas Armstrong, Guard,	-	-	-	280 00
F. W. Russell, Guard,	-	-	-	300 00
H. Y. Cabell, Guard,	-	-	-	293 66
Joseph W. Gray, Overseer,	-	-	-	390 00
E. F. Gray, Overseer,	-	-	-	300 00
J. McKenzie, Guard,	-	-	-	278 60
Nathaniel Randall, Guard,	-	-	-	276 66
Hiram Catron, Guard,	-	-	-	300 00

M. M. Kenny, Guard,	-	-	-	-	\$282 33
Thomas Simpson, Guard,	-	-	-	-	100 00
A. W. Taliaferro, Physician, to December 31, 1855,	-	-	-	-	625 00
James Lansing, Guard,	-	-	-	-	53 33
Edward Perry, 1 month,	-	-	-	-	100 00
Joseph Ryder, to December 31, 1855,	-	-	-	-	333 33
Stephen Storey, Guard, to December 31, 1855,	-	-	-	-	46 67
Benj. Fenwick,	"	"	"	-	299 50
James T. Stewart,	"	"	"	-	300 00
Thomas Slater,	"	"	"	-	156 66
Arthur Andrews,	"	"	"	-	300 00
W. D. Robertson,	"	"	"	-	70 00
Robert Perry, Overseer,	"	"	"	-	299 60
Richard Goodell, Baker,	"	"	"	-	300 00
Peter Burns, Guard,	"	"	"	-	300 00
Edward Brennan, Guard,	"	"	"	-	300 00
John Larkin,	"	"	"	-	200 00
John Spell,	"	"	"	-	300 00
Jackson Hess,	"	"	"	-	300 00
John English,	"	"	"	-	276 66
John M. Gray, Overseer,	"	"	"	-	250 10
J. W. Gilchrist, Guard,	"	"	"	-	276 66
Milton Irish,	"	"	"	-	293 66
Robert Smith,	"	"	"	-	281 50
Wm. Snyder,	"	"	"	-	276 66
Sartial Root,	"	"	"	-	300 00
G. W. Woods,	"	"	"	-	386 00
H. Young,	"	"	"	-	300 00
Wm. Turner, Captain of Sloop "Mariposa,"	-	-	-	-	1,108 04
George Lee, Services on	"	"	"	-	180 00
Joseph O'Connor, Overseer at State Prison,	-	-	-	-	1,368 00
N. Smith,	"	"	"	-	999 00
Wm. Milling,	"	"	"	-	873 00
G. W. Wells, Guard, to December 31, 1855,	-	-	-	-	598 60
John Jones,	"	"	"	-	298 60
D. Vernyer,	"	"	"	-	243 34
A. F. Gage, Cook,	"	"	"	-	133 33
C. Frazy, Guard,	-	-	-	-	300 00
Wm. Reeder, Guard,	-	-	-	-	76 66
W. Winters, Superintendent of Brick Work,	-	-	-	-	.90 00
J. L. Polk, Guard at State Prison,	-	-	-	-	76 66
G. W. Harris,	"	"	"	-	76 66
G. B. A. Leonard,	"	"	"	-	83 33
James Norton, Captain Sloop "Pike County,"	-	-	-	-	491 52
Milton Irish, January 1 to 21, 1856,	-	-	-	-	66 68
C. W. Robinson, Guard, to December 31, 1855,	-	-	-	-	273 60
Timothy Rogers,	"	"	"	-	300 00
Wm. C. Jordan, Cook, January 1 to 29, 1856,	-	-	-	-	93 33
Michael Burns, Guard, January 1 to 31, 1856,	-	-	-	-	100 00
A. T. Chatfield,	"	"	"	-	100 00
Wm. F. Whitacre,	"	7 to 31, 1856.	-	-	83 33

*Office Rent of State Offices.*

George W. Gift, Rent for Controller and Treasurer of State,	-	\$850 00
M. E. McNamee, Rent for General and Quartermaster-General	-	450 00
A. B. Youman, Surveyor-General's Office, July and August,	-	133 33
J. T. Hall, Rent of Governor's Office,	-	936 00
Rivett & Co.,	-	108 00
S. H. Marlette, Office Rent, August, 1855,	-	66 67
Treasurer of Sacramento County, Rent of Capitol,	-	5,000 00
H. Watchhorst, Governor's Office, January, 1855,	-	75 00
W. C. Kibbe, Office Rent for September, 1855,	-	62 17
S. H. Marlette, Office Rent, October and November, 1855,	-	143 00

*Transportation of Insane.*

B. Seguin, Part of Account,	-	205 00
-----------------------------	---	--------

*Official Advertisements.*

James O'Sullivan,	-	87 12
Johnson & Lawton,	-	14 75
Edwin Bell,	-	742 41

*Purchase of Property for State Prison.*

J. M. Estell and A. Woods,	-	33,000 00
" " "	-	11,026 72
Van Houten & Co.,	-	702 98
Thomas Russell,	-	248 00
J. M. Estell and A. Woods,	-	2,500 00

*Costs of Suit Wherein the State was a Party.*

Louis Keller,	-	31 50
J. R. Beard, Clerk of Supreme Court,	-	604 70
Frank Denver,	-	31 28

*Prosecution of Escheated Estates.*

Wm. M. Stewart,	-	5,000 00
Foote & Aldrich,	-	6,000 00
Wharton M. Moore,	-	1,800 00
S. J. May & Co.,	-	300 00
J. R. Beard,	-	598 00
Louis Blanding,	-	500 00
Alta California Printing and Publishing Company,	-	60 75
H. J. Thornton, Jr.,	-	1,000 00

*Indexing Laws and Journals.*

James A. Patterson,	-	-	-	-	-	-	\$330 78
James Miller,	-	-	-	-	-	-	1,069 22
James A. Patterson,	-	-	-	-	-	-	1,200 00

*Labor and Materials Furnished State Prison.*

Jas. Smiley, State Prison Wall, Labor and Materials furnished,	125,157 84
G. D. Bliss, Provisions furnished,	6,851 47
Hamilton Bowie, Provisions and Supplies furnished	2,765 51
" " " " " "	15,828 86
G. W. Ryckman, " " " "	9,743 26
J. F. McCauley, " " " "	11,804 42
Hamilton Bowie, " " " "	755 20

*Court Fees, being Amount of Money Received by District Judges on Account of Salaries.*

Eight thousand seven hundred and six dollars (\$8,706), has been received by the different District Judges from the Clerks of their respective Districts, and the amounts so received have been deducted from the salaries of District Judges, by the Controller of State, who issues his warrants for salaries for District Judges, less the court fees.

*Contingents of State Library.*

Frank Denver, for Shelves and Cases for State Library and fitting up Secretary of State's Office,	-	-	-	-	2,500 00
---	---	---	---	---	----------

*Prosecuting Delinquents.*

Wade & Flower,	-	-	-	-	500 00
James H. Wade,	-	-	-	-	4,500 00

*Support of Schools.*

Sacramento County paid to County Treasurer,	-	-	2,348 76
Shasta " " " "	-	-	686 31
Klamath " " " "	-	-	49 57
San Francisco County " " " "	-	-	4,856 90
Contra Costa " " " "	-	-	566 54
Butte " " " "	-	-	291 53
Nevada " " " "	-	-	655 06
Humboldt " " " "	-	-	219 53
Los Angeles " " " "	-	-	1,405 72
San Diego " " " "	-	-	116 85



Santa Cruz County paid to County Treasurer,	-	-	\$500 44
Monterey " " "	-	-	740 04
Napa " " "	-	-	411 92
Solano " " "	-	-	677 49
Yolo " " "	-	-	394 22
El Dorado " " "	-	-	1,410 45
Santa Clara " " "	-	-	1,908 52
Yuba " " "	-	-	429 62
Amador " " "	-	-	509 88
Alameda " " "	-	-	681 03
Tuolumne " " "	-	-	577 16
San Joaquin " " "	-	-	1,172 03
San Bernardino " " "	-	-	474 47
Sonoma " " "	-	-	1,205 08
Trinity " " "	-	-	49 57
Siskiyou " " "	-	-	109 76
Sierra " " "	-	-	223 07
Mariposa " " "	-	-	142 81
Stanislaus " " "	-	-	95 60
Sutter " " "	-	-	92 06
Placer " " "	-	-	354 09
Calaveras " " "	-	-	383 58
Sacramento " " "	-	-	2,148 00
San Francisco " " "	-	-	5,928 00
Napa " " "	-	-	572 40
Santa Clara " " "	-	-	1,933 20
Shasta " " "	-	-	396 58
Sutter " " "	-	-	222 00
Placer " " "	-	-	193 20
Yuba " " "	-	-	597 60
Marin, " " "	-	-	336 13
Solano " " "	-	-	769 20
Yolo " " "	-	-	524 40
Alameda " " "	-	-	808 80
Calaveras " " "	-	-	632 40
Santa Cruz " " "	-	-	382 80
San Joaquin " " "	-	-	1,330 80
El Dorado " " "	-	-	1,455 60
Monterey " " "	-	-	1,191 60
Tuolumne " " "	-	-	970 80
San Bernardino " " "	-	-	482 40
Sonoma " " "	-	-	1,489 20
Nevada " " "	-	-	912 00
Amador " " "	-	-	1,038 00
Contra Costa " " "	-	-	432 00
Los Angeles " " "	-	-	1,826 40
San Luis Obispo " " "	-	-	776 09
Butte " " "	-	-	330 00
Total Expenditures	-	-	\$674,715 11

## No. 3.

## RECAPITULATION.

Total Amount of Receipts from all Sources, from July 1st, 1855,  
to February 5th, 1856 - - - - \$504,149 40

## EXPENDITURES,

*From July 1st, 1855, to February 5th, 1856.*

Salary of Governor,	-	-	-	-	-	6,666 67
" Controller,	-	-	-	-	-	3,000 00
" Treasurer,	-	-	-	-	-	3,000 00
" Secretary of State,	-	-	-	-	-	2,294 33
" Attorney-General,	-	-	-	-	-	1,666 64
" Surveyor-General,	-	-	-	-	-	1,333 34
" Quartermaster-General,	-	-	-	-	-	2,250 00
" Superintendent of Public Instruction,	-	-	-	-	-	3,375 00
" Clerks in Controller's Office,	-	-	-	-	-	6,480 00
" Clerks in Treasurer's Office,	-	-	-	-	-	4,320 00
" Clerks in Secretary of State's Office,	-	-	-	-	-	6,615 00
" Supreme Court Judges,	-	-	-	-	-	18,499 97
" District Judges,	-	-	-	-	-	36,686 29
" Private Secretary to the Governor,	-	-	-	-	-	1,885 13
" Secretary of Supreme Court,	-	-	-	-	-	1,350 00

*Contingent Funds.*

Controller,	-	-	-	-	-	3,707 50
Controller, Deficiency,	-	-	-	-	-	996 11
Treasurer,	-	-	-	-	-	1,960 20
Secretary of State,	-	-	-	-	-	2,326 47
Quartermaster-General,	-	-	-	-	-	552 28
Attorney-General,	-	-	-	-	-	25 00
Superintendent of Public Instruction,	-	-	-	-	-	806 42
" " Deficiency,	-	-	-	-	-	797 65
Surveyor-General,	-	-	-	-	-	83 33
Supreme Court,	-	-	-	-	-	1,350 00
Legislature,	-	-	-	-	-	4,811 00

*Miscellaneous.*

State Marine Hospital,	-	-	-	-	-	30,121 29
Reward for Apprehension of Fugitives,	-	-	-	-	-	1,000 00
Paper for Printing, Deficiency,	-	-	-	-	-	67 25
" " " " " "	-	-	-	-	-	3,111 00
State Printing,	-	-	-	-	-	24,013 29

*Laws, etc.*

Translating Laws, etc.,	-	-	-	-	-	\$419 00
Copying Laws, etc.,	-	-	-	-	-	643 39
Distributing Laws, etc.,	-	-	-	-	-	1,500 00

*Rent.*

California Land Commissioners.	-	-	-	-	-	1,100 00
Armory,	-	-	-	-	-	119 50
State Offices,	-	-	-	-	-	7,907 50

*Transportation.*

Prisoners, Deficiency,	-	-	-	-	-	8,665 00
Prisoners	-	-	-	-	-	5,920 00
Insane,	-	-	-	-	-	205 00
Fitting up Treasurer's Office and Purchasing a Safe,	-	-	-	-	-	2,429 10

*Insane Asylum.*

Support and Maintenance,	-	-	-	-	-	29,956 66
Buildings, etc.,	-	-	-	-	-	15,000 00
Physicians,	-	-	-	-	-	4,000 00

*Miscellaneous.*

Support of Indigent Sick,	-	-	-	-	-	14,617 77
Support of Schools,	-	-	-	-	-	51,419 26
Pay and Mileage of Lieutenant-Governor,	-	-	-	-	-	740 80
Library Fund,	-	-	-	-	-	139 50
Senate Officers and Clerks,	-	-	-	-	-	7,803 00
Assembly Officers and Clerks,	-	-	-	-	-	6,295 00
Assemblymen, per Diem and Mileage,	-	-	-	-	-	35,199 40
Senators,	-	-	-	-	-	11,859 20
Relief Bills,	-	-	-	-	-	6,300 00

*State Prison.*

Salaries of Directors, Inspector, Guards, Overseers and Attaches,	40,436 66
Purchase of Property,	47,477 70
Labor, Materials and Supplies,	172,905 56
Official Advertisements,	844 28
Costs of Suit wherein the State was Party,	667 48
Prosecution of Escheated Estates,	15,258 75
Indexing Laws and Journals,	2,600 00
State Library,	2,500 00
Prosecuting Delinquents by Order of Controller,	5,000 00
Library, for Newspapers, etc.,	133 44

Total Expenditures,	\$674,715 11
---------------------	--------------

Total Receipts,	-	-	-	-	-	-	\$504,149 40
Total Expenditures,	-	-	-	-	-	-	674,715 11

Excess of Expenditures over Receipts, between July 1st, 1855, and February 5th, 1856,	-	-	-	-	-	\$170,565 71
--	---	---	---	---	---	--------------

Respectfully submitted,

GEORGE W. WHITMAN,  
Controller of State.

By WM. WILLIS, Clerk.

---

No. 4.

The amount of Warrants outstanding on the 1st day of July,  
1855, which have not been bonded, is - - - \$296,769 30

All the foregoing is respectfully submitted by

Your obedient servant,

GEORGE W. WHITMAN,  
Controller of State.

By WM. WILLIS, Clerk.

The following communication was received from Judges Murray and Heydenfeldt, and referred to the Judiciary Committee :

*To the Senate and Assembly of the State of California :*

The undersigned, Judges of the Supreme Court, are under the necessity of making the following statement :

A few months ago, being aware that no preparation was making for the publication of the Supreme Court Reports since the third volume, one of us sought an interview with H. P. Hepburn, who was then Reporter. In that conversation, Mr. Hepburn stated that he could not further report under the present system ; that he had received no adequate compensation for the report of the second volume, and none whatever for the third.

At that time nearly two volumes of reports were on hand—many cases were coming up on appeal, the principles of which had already been determined, but the decision of which the professional men throughout the State had no means of knowing. Under these circumstances, it was thought proper to urge upon Mr. Hepburn to go on with the reports, and to induce him to do so, he was promised that the Judges would present the subject to the Legislature, and ask for him a fair remuneration ; and the opinion was expressed to him that he was reasonably entitled to receive four thousand dollars for reporting each volume, and the cost of printing and binding the volume, upon delivering the whole edition to the State.

Acting upon this inducement, Mr. Hepburn undertook to prepare and publish

the fourth volume of reports, which is now nearly ready for delivery, but declined taking the risk of proceeding with the succeeding volume.

In order to obtain an early publication of the fifth volume, we appointed J. G. Baldwin, and with the same reasons as given in the case of Mr. Hepburn, we induced him to undertake the report and publication of that volume. It is now in course of preparation, and may be expected to be ready for delivery in a short time.

These two gentlemen have undertaken the heavy labor and expense which is necessary, upon the supposition, that the opinion of the Judges would have some weight with the Legislature in determining in their favor the grant of a just compensation.

It is needless for us to add that all the provisions heretofore made by law for the publication of the reports, have proved totally inadequate.

We believe that the importance of this matter will be as evident to all the members of your department of the government as it is to us.

H. C. MURRAY,  
S. HEYDENFELDT.

The following message was received from the Assembly :

February 9th, 1856.

*Mr. President :*

I am directed to inform the Senate, that the Assembly have concurred in Senate amendment to Assembly Bill No. 19, "An Act making an Appropriation for the Temporary Support of the State Prison."

The following message was received from the Assembly :

February 8th, 1856.

*Mr. President :*

I am directed to inform the Senate, that the Assembly passed on yesterday Senate Bill No. 3, "An Act providing for the Confinement of Prisoners of the United States ;" also,

No. 7. "An Act to amend an Act entitled 'An Act to fix the Times for holding the Terms of the District Court throughout this State,' " approved May 4th, 1855 ; also,

Assembly Bill No. 37, "An Act concerning the Corporate Name of the City of Los Angeles."

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Bill No. 37, "An Act concerning the Corporate Name of Los Angeles," was read a first and second time and referred to Senator Wilson.

The following message was received from the Assembly :



February 9th, 1856.

*Mr. President :*

I am directed to inform the Senate, that the Assembly have passed Assembly No. 38, "An Act making Appropriations for the Civil Expenses of the Government of the State."

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Bill No. 38, a Bill for an Act making appropriations for the civil expenses of the Government of the State, was read a first and second time and referred to the Committee on Finance.

The following message was received from the Assembly :

February 8th, 1856.

*Mr. President :*

I am directed to inform the Senate, that the Assembly passed on yesterday Assembly Bill No. 6, "An Act appointing an Agent to exhibit the Evidence of the contracting of the War Debt of this State to the Secretary of War of the United States."

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

The Bill was read a first time, and objections being made to the second reading, laid over under the rules.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 9th, 1856. }

*Mr. President :*

I am directed to inform the Senate, that the Assembly on the 8th inst., passed Assembly Bill No. 53, "An Act to amend 'An Act concerning Notaries Public,'" passed April 30th, 1853 ; also,

Passed substitute for Assembly Bill No. 34, an Act entitled "An Act to change and fix the County Seat of Butte County ;" also,

Assembly Bill No. 61, "An Act to define the Term of Office of the District Judge of the Fifteenth Judicial District and to fix his Salary."

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Bill No. 34, an Act entitled an Act to change and fix the County Seat of Butte County, was read a first and second time, and referred to the Committee on Counties and County Boundaries.

Assembly Bill No. 61, an Act to define the term of office of the District Judge of the Fifteenth Judicial District and to fix his salary, was read a first and second time, and referred to the Judiciary Committee.

Mr. French moved to suspend the rules, that Assembly Bill No. 6, an Act appointing an agent to exhibit the evidences of the contracting of the War Debt of this State to the Secretary of War of the United States, might be read a second time.

Mr. Rust moved to refer the Bill to the Judiciary Committee.

Mr. French moved to amend by referring it to the Committee on Military Affairs.

Mr. Mandeville called for a division of the question on striking out the words "Judiciary Committee," and demanded the ayes and noes, which was seconded by Messrs. French, Rust and Burnett, and taken with the following result :

AYES.

Messrs. Cosby, Crandall, Day, Dosh, Flint, French, Gove, Heintzelman, Hook, Mandeville, McNeill, Norman, Scellen, Shaw and Wilson—15.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Ferguson, Fiske, McCallum, McCoun, McGee, Rust, Waite and Westmoreland—12.

So the motion prevailed, and the words "Judiciary Committee" were stricken out.

Mr. French moved to refer the Bill to the Committee on Military Affairs, upon which the ayes and noes were demanded by Messrs. French, Rust and Burnett with the following result :

AYES.

Messrs. Burton, Cosby, Crandall, Day, Dosh, Fiske, Flint, French, Gove, Heintzelman, Hook, Mandeville, McCallum, McGee, McNeill, Norman, Scellen, Shaw and Wilson—19.

NOES.

Messrs. Ashley, Burnett, Bynum, Ferguson, McCoun, Rust, Waite and Westmoreland—8.

So the motion prevailed, and the Bill was so referred.

Mr. Westmoreland gave notice that he would move a reconsideration of the vote just taken, to-morrow.

According to previous notice, Mr. Day introduced a Bill for "An Act to amend 'An Act to provide for the Incorporation of Railroad Companies,'" passed April 22d, 1853, and amended May 15th, 1854, and amended April 10th, 1855, which was read a first and second time, and referred to the Committee on Corporations.

Mr. Bynum offered the following resolution, which was adopted :

*Resolved*, That the Governor be requested, at his earliest convenience, to communicate to the Senate what action has been taken by the proper authorities of the State in securing the selection of two entire townships, or seventy-two sections of land, granted to the State of California for the use of a seminary of learning, by the twelfth section of an Act of Congress, entitled "An Act to provide for the Survey of Public Lands in California, the granting of Pre-Emption Rights therein, and for other Purposes," approved March 3d, 1853, and also in securing the selection of ten entire sections, or 6,400 acres, for the "Erection of Public Buildings of the State," donated under and by virtue of the thirteenth section of same Act, and all incidental expenses already incurred by the State in effecting such selection.

The following message was received from the Assembly :

February 12th, 1856.

*Mr. President :*

I am directed to inform the Senate, that the Assembly have passed Senate Bill No. 36, "An Act concerning Appeals in certain Cases ;" also,

No. 47, "An Act to provide for Settling the Boundary Line between the Counties of Marin and Sonoma ;" also,

Assembly Bill No. 50, "An Act to Incorporate the Town of San Luis Obispo."

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Bill No. 50, an Act to incorporate the Town of San Luis Obispo, was read a first and second time and referred to Senator De la Guerra.

The hour for the special order having arrived, the Senate took up Senate Bill No. 15, a substitute by the Committee on Claims, entitled "An Act to Reduce and Establish the Salaries of Officers and Pay of Members of the Legislature," considered the same and ordered it to be engrossed for a third reading to-morrow.

Mr. Westmoreland introduced a Bill for an Act declaring mining claims to be personal property, which was read a first time, and objections being made to its second reading, laid over under the rules.

Mr. McCoun presented the following report :

*Mr. President :*

The Finance Committee, to whom was referred the report of the Controller, showing the deficiencies from February 1st, 1855, to February 1st, 1856, have had the same under consideration, and ask leave to return it for the consideration of the Senate.

W. H. McCOUN,  
Chairman of Finance Committee.  
E. J. BURTON.

Senate Bill No. 58, a Bill for an Act making appropriations to meet deficiencies in appropriations heretofore made to defray the civil expenses of government from the 1st day of February, 1855, until 1st day of February, 1856, was then ordered printed and made the special order for Thursday next at twelve o'clock M.

On motion of Mr. Mandeville, Senate Bill No. 28, an Act to amend an Act entitled "An Act amendatory of, and supplementary to, an Act entitled 'An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State,'" passed May 15th, 1854, was taken up, considered and the amendments made in Committee of the Whole concurred in.

Mr. Norman offered the following amendment to come in at the conclusion of the Bill :

*Provided*, That nothing in this Act shall exempt any of the above-named property from execution issued upon any judgment not recovered upon a contract.

On the question of adopting the proviso, the ayes and noes were demanded by Messrs. French, Norman and Mandeville, with the following result :

AYES.

Messrs. Burton, Cosby, Crandall, De la Guerra, Dosh, Flint, Mandeville, McGee, McNeill, Norman, Seellen, Waite, Westmoreland and Wilson—14.

NOES.

Messrs. Ashley, Burnett, Bynum, Day, Ferguson, Fiske, French, Gove, Heintzelman, Hook, McCallum, McCoun, Rust and Tilford—14.

So the proviso was rejected.

Mr. Norman then offered the following amendment to the fifth subdivision of the Bill :

"Also, all tamborines, fiddles, harps and other instruments used by a musician."

On the question of adopting the amendment, the ayes and noes were demanded by Messrs. Heintzelman, French and Mandeville, with the following result :

AYES.

Messrs. Burton, Cosby, Crandall, Day, De la Guerra, Dosh, Ferguson, Fiske, Flint, Norman, Rust, Scellen, Westmoreland and Wilson—14.

NOES.

Messrs. Ashley, Burnett, Bynum, French, Gove, Heintzelman, Hook, Mandeville, McCallum, McCoun, McGee, McNeill, Shaw, Tilford and Waite—15.

So the amendment was rejected.

On motion of Mr. McCallum, the word "Musician" was inserted after the word surgeon, in the fourth subdivision of the Bill.

Mr. Rust moved to strike out the enacting clause of the Bill, upon which the ayes and noes were demanded by Messrs. Heintzelman, Rust and Mandeville, with the following result :

AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Crandall, De la Guerra, Dosh, Ferguson, Fiske, Fiske, Norman, Rust, Scellen, Tilford, Waite, Westmoreland and Wilson—18.

NOES.

Messrs. Day, Flint, French, Gove, Heintzelman, Hook, Mandeville, McCallum, McGee, McNeill and Shaw—11.

So the enacting clause of the Bill was stricken out.

Mr. Burton moved to reconsider the vote just taken.

Mr. Scellen moved to indefinitely postpone the motion to reconsider.

Mr. Mandeville moved to lay the motion to reconsider on the table, upon which the ayes and noes were demanded by Messrs. Mandeville, Heintzelman and Rust, with the following result :

AYES.

Messrs. Day, Flint, French, Heintzelman, Mandeville, McCallum, McCoun, McGee, McNeill, Shaw, Tilford and Waite—12.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Crandall, De la Guerra, Dosh, Ferguson, Fiske, Gove, Hook, Norman, Rust, Scellen, Westmoreland and Wilson—17.

So the motion was lost.



Mr. Mandeville moved to adjourn.

Lost.

Mr. Mandeville moved to make the whole subject the special order for to-morrow at 12 o'clock M.

Lost.

Mr. Rust made a demand for the previous question, which was not sustained.

The question recurring on the motion of Mr. Scellen to indefinitely postpone the motion to reconsider, the ayes and noes were demanded by Messrs. French, Mandeville and Rust, with the following result :

AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Crandall, De la Guerra, Dosh, Ferguson, Fiske, Mandeville, Norman, Rust, Scellen, Tilford, Waite, Westmoreland and Wilson—18.

NOES.

Messrs. Day, Flint, French, Gove, Heintzelman, Hook, McCallum, McCoun, McGee, McNeill and Shaw—11.

So the motion prevailed.

Mr. Mandeville gave notice that he would move a reconsideration of the vote just taken to-morrow.

Mr. Scellen introduced a bill for an Act for the relief of Wm. J. Ford, which was read a first and second time, and with the accompanying papers referred to the Committee on Claims.

Mr. McCallum introduced a bill for "An Act to amend 'An Act concerning Divorces,' " passed March 25th, 1856, which was read a first and second time, and referred to the Judiciary Committee.

On motion of Mr. Heintzelman, Senate Bill No. 53, for the better observance of the day known as the Christian Sabbath, was ordered printed.

On motion of Mr. Fiske, leave of absence, for an indefinite period, was granted to the Hospital Committee of the Senate.

On motion of Mr. McCallum, leave of absence for one day was granted to Mr. Biven, Assistant Secretary of the Senate.

On motion, the Senate adjourned.

## IN SENATE.

WEDNESDAY, February 13th, 1856.

Senate met pursuant to adjournment.

Lieut. Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of yesterday read and approved.

Mr. Tilford presented the following petition, which was referred to the Committee on Public Morals and Police :

*To the Hon. the Senate and House of Representatives of the State of California :*

Your petitioners, Managers of the San Francisco Orphan Asylum Society, respectfully represent to your honorable body, that the Society of which they are the Managers, was incorporated under the laws of this State, February 20th, A. D. 1851, for the benefit of the orphans and half orphans, without regard to religious sects.

That through the generous patronage and liberality of the civil authorities of the City of San Francisco and of individual citizens, having adverse and conflicting claims, they have secured, and now own, four one hundred vara lots in the western part of the city, in one of the principal thoroughfares to the Mission Dolores, and have, as they are advised by counsel, a good and valid title to the same.

That they have erected on said land a large and commodious stone building, sufficient for the present and immediately prospective necessities of the Institution, at a cost of something over twenty-eight thousand dollars, which, with the current annual expenses of the establishment, has been paid into fifteen hundred dollars, from the liberal gifts and subscriptions of the citizens of San Francisco, with the exception of a donation of five thousand dollars given by the Legislature of the State of California at its last session, and some few donations from the interior of the State.

They have now in the Asylum forty-two children, who are sustained and educated with great care by the Institution, of whom eight or ten are from distant parts of the country. The Society still owes a debt of fifteen hundred dollars, which is now due, and while your petitioners gratefully acknowledge the generous support which has attended their enterprise, both from individual and public patronage, and while they fully appreciate the aid thus received, they feel justified on the ground of charity as well as State policy, to appeal once more to the State, in their representative capacity, to ask for an annual stipend of such sum as the Legislature in their wisdom may deem expedient to meet the increasing wants of the Institution, they having no reliable source of income, but depending entirely upon the generosity of the public. And they respectfully submit that in their judgment the beneficial influence of the Institution upon the class of helpless orphan children which it seeks to sustain and educate, and who might otherwise

grow up in idleness, destitution and vice, will more than countervail the expense of the outlay. And your petitioners will ever pray, etc.

By order of the Managers.

ELIZABETH A. WALLER,  
President.

Mr. McGee presented the following petition, which was referred to the Committee on Counties and County Boundaries :

*To the Senate and Assembly of the State of California :*

The undersigned, your petitioners, citizens of the County of Butte and State of California, would respectfully represent to your honorable body, that three-fourths of the citizens of said county would be better accommodated than they now are, in respect to their county business, by a change in the location of their County Seat from the Town of Bidwell to some place that would be selected by a vote of the citizens of the county. That its present location was selected (without the approbation of the citizens) by an Act of the Legislature. That since said location, the County of Plumas has been taken from the east side of Butte, which places Bidwell at a great distance from the territorial center, and still more remote from the center of population.

Your petitioners would therefore request your honorable body to pass a Special Act granting the citizens of said county the right to re-locate their County Seat by a plurality vote. The undersigned beg leave to state, that in regard to a division of Butte County by Feather River, Dry Creek or any other line, they are wholly and entirely opposed. That they believe the interests, convenience and good of the people of the county would be best subserved by preserving inviolate the integrity of the territory embraced within the present boundaries.

That by submitting the question to those immediately interested—the People—they will place the County Seat at a point convenient, satisfactory and acceptable to all, and obviate the necessity of division.

Signed,

J. MILLER,  
L. DOTY,  
R. P. McDANIEL,  
And 1,200 others.

Mr. McGee presented the following remonstrance, which was referred to the Committee on Counties and County Boundaries :

*To the Honorable Senate and Assembly of the State of California :*

The undersigned, citizens and electors of the County of Butte, understanding that petitions have been presented to your honorable bodies for the removal of the County Seat of said County, do hereby remonstrate against such measure for the following reasons :

First. Because of the heretofore too frequent removals of said County Seat, it having been removed twice since its first location.

Second. Because of the great expense attending such removal.

Third. Because of the inability of the county to incur such unnecessary expense at this time ; building court-house and jail, and county offices at any other place.

Fourth. Because of the sufficiency of such buildings at the present County Seat.

Fifth. Because it is now in contemplation soon to divide said county, which act would render it necessary to change said County Seat as we believe.

Sixth. Because the whole movement is founded more upon individual speculation than the public good.

Signed,

JACOB POWELL,  
And 800 others.

Assembly Bill No. 53, entitled "An Act to amend 'An Act concerning Notaries Public,'" passed April 30th, 1853, was taken up on its second reading.

Mr. Heintzelman moved to indefinitely postpone the Bill.

Mr. Coffroth moved that it be referred to the Judiciary Committee.

Upon which the ayes and noes were demanded by Messrs. French, Day and Heintzelman.

Mr. Scellen moved a call of the Senate, which was not sustained.

On the question of referring the Bill to the Judiciary Committee, the ayes and noes were taken with the following result:

#### AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Hawks, McCallum, McCoun, McGee, Scellen, Waite and Westmoreland—13.

#### NOES.

Messrs. Crandall, Day, De la Guerra, Dosh, Flint French, Gove, Heintzelman, Hook, Mandeville, McNeill, Norman, Rust, Shaw, Tilford and Wilson—16.

So the motion was lost.

The question recurring on Mr. Heintzelman's motion to indefinitely postpone.

Mr. Hawks moved to lay the same on the table.

Mr. French demanded the previous question.

Mr. Hawks moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Day, Coffroth and McNeill, with the following result:

#### AYES.

Messrs. Burnett, McCoun, McGee and Westmoreland—4.



## NOES.

Messrs. Ashley, Burton, Bynum, Coffroth, Cosby, Crandall, Day, De la Guerra, Dosh, Ferguson, Flint, French, Gove, Hawks, Heintzelman, Hook, Mandeville, McCallum, McNeill, Norman, Rust, Scellen, Shaw, Tilford, Waite and Wilson—26.

So the motion was lost.

The demand of Mr. French for the previous question was sustained.

And the question being, "Shall the main question be now put?" it was carried.

The question recurring on the motion to indefinitely postpone, the ayes and noes were demanded by Messrs. Scellen, McCoun and Hawks, with the following result :

## AYES.

Messrs. Crandall, Day, De la Guerra, Dosh, Flint, French, Gove, Heintzelman, Hook, Mandeville, McNeill, Norman, Rust, Shaw, Tilford and Wilson—16.

## NOES.

Messrs. Ashley, Burton, Bynum, Coffroth, Cosby, Ferguson, Hawks, McCallum, McCoun, McGee, Scellen, Waite and Westmoreland—13.

So the bill was indefinitely postponed.

Mr. Rust moved to reconsider the vote.

Lost.

Senate Bill No. 59, declaring mining claims to be personal property, was read a second time, and referred to the Committee on Mines and Mining Interests.

Mr. Burton, according to previous notice, introduced "An Act for the Custody and Disposition of the Estates of Idiots, Lunatics, Persons of Unsound Mind and Drunkards," which was read a first and second time, and referred to the Judiciary Committee.

Mr. Burton presented the following report :

*Mr. President :*

Your Committee on Enrollment have examined and find correctly enrolled, a Bill for "An Act providing for the Confinement of Prisoners of the United States."

They also find correctly enrolled an Act to amend an Act, entitled "An Act to fix the Time for holding the Terms of the District Courts throughout this State," approved May 4th, 1855. The Bill is indorsed as having passed the Senate January 25th, and the Assembly February 7th, but contains no enacting



clause. Your Committee do not feel authorized to correct the Bill by inserting the enacting clause, but respectfully report the same back for the consideration of the Senate.

TILFORD, Chairman.  
BURTON,  
Committee.

By unanimous consent, the Secretary was authorized to insert the enacting clause to the Bill.

Mr. McCoun introduced a Bill to be entitled "An Act to grant the Right of Way for a Railway and Wagon Road across the Waters of the Bay of San Francisco," to certain persons therein named, which was read a first and second time, ordered printed and referred to the Judiciary Committee.

Mr. Scellen introduced the following report :

*Mr. President :*

The Committee on Counties and County Boundaries have had under consideration Senate Bill No. 14, an Act to amend "An Act dividing the State into Counties and Establishing the Seats of Justice therein," would beg leave to report a substitute and recommend its passage.

JOHN D. SCELLEN,  
Chairman.

Substitute Senate Bill No. 14, "An Act to amend 'An Act dividing the State into Counties and Establishing the Seats of Justice therein,'" passed May 21st, 1851, was taken up on motion, considered engrossed, read a third time and passed.

On motion of Mr. Heintzelman, Senate Bill No. 62, "An Act for the Custody and Disposition of the Estates of Idiots, Lunatics, Persons of Unsound Mind and Drunkards," was ordered printed.

Mr. Coffroth presented the following report :

*Mr. President :*

The Committee on Corporations, to whom was referred an Act amendatory of "An Act concerning Corporations," passed April 22d, 1850, have had the same under consideration, and recommend its adoption.

JAS. W. COFFROTH,  
President.

Senate Bill No. 46, an act amendatory of "An Act concerning Corporations," passed April 22, 1850, was taken up, read a third time and passed.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee, to whom was referred Assembly Bill No. 20, entitled "An Act in relation to Public Officers," have had the same under considera-

tion, and beg leave to report that in their opinion this Bill is unnecessary, as the present statutes make all the provisions proposed to be made by this Bill, they therefore recommend its indefinite postponement.

W. J. FERGUSON,  
Chairman.

Assembly Bill for an Act entitled "An Act in relation to Public Officers."

The report of the Committee was concurred in, and the Bill was indefinitely postponed.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills have examined Senate Bill No. 15, "An Act to reduce and Establish the Salaries of Officers and Pay of Members of the Legislature," and find the same correctly engrossed.

J. G. McCALLUM,  
Chairman.

Senate Bill No. 15, substitute by the Committee on Claims for an Act to reduce and establish the salaries of officers and pay of members of the Legislature, was taken up, read a third time and passed.

Mr. Waite presented the following report :

*Mr. President :*

The Nevada Delegation, to whom was referred Senate Bill No. 45, an Act to incorporate the City of Nevada, report the same back to the Senate, and as a legal question is involved in the Bill, would respectfully recommend its reference to the Judiciary Committee.

WAITE.  
BURTON.

In accordance with the recommendation of the Nevada Delegation, the Bill was so referred.

On motion of Mr. French, the following resolution was taken from the table :

*Resolved*, That the Hon. Judges of the Supreme Court are requested to report to the Senate all Acts and parts of Acts that conflict with the provisions of the Constitution of this State, and recommend such Acts as will be necessary instead thereof, and also recommend the passage of such laws as their judicial experience may suggest to be proper and just.

Mr. McCallum moved to indefinitely postpone the resolution.

Upon which the ayes and noes were demanded by Messrs. Shaw, McCallum and French, with the following result :

## AYES.

Messrs. Ashley, Burnett, Bynum, Coffroth, Cosby, Crandall, Day, Dosh, Ferguson, Gove, Hawks, Heintzelman, McCallum, McNeill, Norman, Rust, Scellen, Shaw, Tilford, Waite, Westmoreland and Wilson—22.

## NOES.

Messrs. Flint, French, Hook and Lippincott—4.

So the resolution was indefinitely postponed.

Leave being granted, Mr. Ashley introduced a Bill for an Act to amend "An Act to fix the Time of holding the District Court in the Third Judicial District," which was read a first and second time, and referred to Mr. Ashley.

Leave being granted, Mr. McCallum introduced a Bill for an Act to amend an Act entitled "An Act defining the Time for commencing Civil Actions, and to extend the Time for commencing the Same," which was read a first and second time, and referred to the Judiciary Committee.

Mr. Ferguson presented the following report :

The Judiciary Committee, to whom was referred Assembly Bill No. 61, entitled "An Act to define the Term of Office of the District Judge of the Fifteenth Judicial District, and to fix his Salary," have had the same under consideration and would recommend its passage.

FERGUSON,  
Chairman.

Assembly Bill No. 61, an Act to define the term of office of the District Judge of the Fifteenth Judicial District and to fix his salary, was taken up.

On the question of the passage of the Bill, the ayes and noes were demanded by Messrs. Crandall, Tilford and Ashley, with the following result :

## AYES.

Messrs. Burnett, Bynum, Coffroth, Cosby, Dosh, Ferguson, Flint, French, Gove, Hawks, McCallum, McCoun, McGee, Rust, Tilford and Westmoreland—16.

## NOES.

Messrs. Ashley, Burton, Crandall, Day, Heintzelman, Hook, Mandeville, McNeill, Norman, Scellen, Shaw and Wilson—12.

So the Bill was read a third time and passed.

The following message was received from the Assembly :

February 13th, 1856.

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed Substitute for Assembly Bill No. 14, an Act to amend an Act entitled "An Act to regulate Proceedings in Criminal Cases," approved May 5th, 1855 ; also,

Assembly Bill No. 24, an Act to repeal "An Act concerning the Per Diem of Officers of the Senate and Assembly ;" also,

Assembly Bill No. 39, an Act entitled "An Act to change the County Seat of Klamath County ;" also,

Assembly Bill No. 45, an Act to repeal an Act entitled "An Act to create a Board of Supervisors for the County of Alameda," and provide for the Government of said County ; also,

Assembly Bill No. 46, an Act to amend an Act entitled "An Act to Punish Vagrants, Vagabonds and Dangerous and Suspicious Persons," approved April 30th, 1855 ; also,

Assembly Bill No. 58, an Act to incorporate the Town of Eureka.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Substitute for Assembly Bill No. 14, an Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to regulate Proceedings in Criminal Cases,'" approved May 5th, 1855, was read a first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 24, an Act to repeal "An Act concerning the Per Diem of Officers of the Senate and Assembly," was read a first and second times, and referred to the Committee on Contingent Expenses.

Assembly Bill No. 39, an Act entitled "An Act to change the County Seat of Klamath County," was read a first and second times, and referred to the Committee on Counties and County Boundaries.

Assembly Bill No. 45, an Act to repeal an Act entitled "An Act to Create a Board of Supervisors for the County of Alameda," and to provide for the government of said County, was read a first and second times, and referred to Senator Day.

Assembly Bill No. 46, an Act to amend an Act entitled "An Act to Punish Vagrants, Vagabonds, and Dangerous and Suspicious Persons," approved April 30th, 1855, was read a first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 58, an Act to Incorporate the Town of Eureka, was read a first and second times, and referred to the Committee on Corporations.

The following message was received from the Assembly :



February 13th, 1856.

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed Assembly Bill No. 81, an Act to amend "An Act concerning the office of State Treasurer."

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Bill No. 81, an Act to amend "An Act concerning the office of State Treasurer," was read a first and second times, and referred to the Committee on Finance.

Mr. Cosby introduced a Bill for an Act authorizing the Treasurer of State to issue bonds for the payment of the expenses of Volunteers under Captain Wm. Martin, Captain Wm. White, Captain D. Beams, Captain F. Lynch, and Captain F. Kelly, for the suppression of Indian hostilities in the northern portion of this State, during the year 1855, which was read a first and second time, and referred to the Committee on Military Affairs.

Mr. Westmoreland moved to reconsider the vote by which Assembly Bill appointing an Agent to adjust the War Debt of the State was referred to the Committee on Military Affairs.

Mr. Mandeville moved to indefinitely postpone the motion to reconsider.

Upon which the ayes and noes were demanded by Messrs. Coffroth, Rust and French.

Mr. French demanded a call of the Senate, which was sustained.

The roll was called, and all the Senators found to be present, excepting the members of the Hospital Committee, absent on leave.

On motion, further proceedings under the call were dispensed with.

The question recurring on Mr. Mandeville's motion to indefinitely postpone, the ayes and noes were called with the following result :

#### AYES.

Messrs. Cosby, Crandall, Day, De la Guerra, Dosh, Flint, French, Gove, Heintzelman, Hook, Mandeville, McNeill, Norman, Shaw, Tilford and Wilson—16.

#### NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Ferguson, Hawks, McCallum, McGee, Rust, Scellen, Waite and Westmoreland—13.

So the motion prevailed, and the motion to reconsider was indefinitely postponed.



Mr. Tilford offered the following resolution, which was unanimously adopted :

*Resolved*, by the Senate, the Assembly concurring, that the action of the Board of Navy Officers under the Act to Congress to promote the Efficiency of the Navy, approved February 28th, A. D. 1855, in relation to Lieutenant Fabiens Stanly, was not only unjust to that officer, but injurious to the public service.

*Resolved*, That in consideration of the irreproachable character of said Fabiens Stanly, as a citizen of this State, and of his well known good conduct and efficiency in his country's service, our Senators are instructed, and our Representatives in Congress requested, to use all proper efforts to remedy the injustice committed by the said Board toward that officer, and to repair the injury which the action of the said Board is calculated to produce to the Navy of the United States.

Leave being granted, Mr. Ashley introduced a Bill for an Act to amend "An Act fixing the time of holding the several Courts authorized to be held by the County Judges in the Counties of Shasta, Santa Clara and Monterey, which was read a first and second times, and referred to the Senators from Shasta, Santa Clara and Monterey.

On motion, the Senate adjourned.

---

#### IN SENATE.

THURSDAY, February 14th, 1856.

Senate met pursuant to adjournment.

Mr. Ashley, President *pro tem.*, in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of yesterday read and approved.

Mr. Coffroth presented the following petition, which was referred to the Committee on Roads and Highways :

*To the Hon. the Senate and Assembly of the State of California :*

The undersigned, property holders of the County of Tuolumne, petition your honorable body as follows :

Whereas, under the existing law concerning a Road Tax of three dollars, to be paid by every male inhabitant of this State, it is utterly impossible for the

Road Overseer to collect from the mining and foreign population of this county, and when they are requested to pay their tax by the Collector, they say they will pay in the course of the year, and ridicule the Overseer when he talks of suing; the roads are in a miserable condition; the Collector has not nor can he get any money. What we humbly petition your honorable body is, that you will use your influence to have some Act passed at the earliest moment possible, to protect us from a further tax, by giving to the Overseer some power to enforce the immediate payment of said tax from the mining and foreign class, whose migrating habits are such that they can never be found twice in the same place. And your petitioners will ever pray, etc.

Signed,

EUGENE B. DRAKE,  
And 56 others.

According to previous notice, Mr. Shaw introduced a Bill for an Act to authorize persons to change their names, which was referred to a Special Committee of three.

The Chair appointed Messrs. Shaw, Waite and Norman said Committee.

Mr. Mandeville presented the following petition, which was referred to the Committee on Counties and County Boundaries :

*To the Honorable the Senate of the State of California :*

The undersigned, officers of Butte County, having seen in the public prints, that a bill has passed the Assembly providing for the removal of the County Seat of Butte County, would represent to your honorable body that we believe that the said movement of the removal of the County Seat of Butte County, at this time, would be injurious, and detrimental to the interests of the County and to a large majority of citizens having business to transact at the County Seat.

There is at this time at Bidwell, a good and sufficient Court House, Jail, and County Offices, erected by private subscription and enterprise, to which the County has a good title so long as the same shall be used for County purposes, and which will, therefore, in case of a removal, revert to the original owners, to the loss of the County.

With the provisions of the Bill which was introduced by the member of the Assembly from this County, and which has passed the Assembly, we are entirely unacquainted, with such secrecy and dispatch has the same been hurried through the Assembly by our representative, regardless of the interest or wishes of the people of the County.

We would further represent, that the County has been from its very organization laboring under a load of indebtedness, from which she is now slowly freeing herself; and that, should a Bill providing for the removal of the County Seat from its present locality be passed by your honorable body, without containing a provision that the place to which the removal is made shall supply the necessary buildings for the County, its officers and criminals, it will be the means of again plunging the County into debt, and again to be paid off by the very property holders who have already given to the County its present buildings.

We would further represent, that we believe that the present action for removal of the County Seat originated in individual speculation :

That the interests of the County will be materially injured by a removal :

That the County Seat as it is now located, is far more convenient, both as to geographical and business center for a large majority of those citizens of the County having business at the County Seat, than at any other point :

That the wishes of a majority of the people of the County, could the same be heard, would be against a removal.

The undersigned, in view of the above, would respectfully remonstrate against the passage of the Bill introduced by Mr. Dick, in the Assembly, for the removal of the County Seat of Butte County; or of any Bill which does not provide for submitting the question of removal to the vote of the citizens of the County, and also providing that the place selected as the future County Seat should, in a reasonable time after such selection, provide the County with suitable buildings for courts, officers and criminals, without expense to the County.

And your petitioners will ever pray, etc.

J. E. N. LEWIS, County Judge.  
 W. S. SPOFFORD, } Associate Judges,  
 T. S. DENSON, } Court of Sessions.  
 MILES CHAPIN, County Clerk.  
 A. C. GRIFFITHS, Deputy Clerk.  
 P. FREER, Sheriff.  
 J. F. KINNEY, Deputy Sheriff.  
 O. C. GOODRICH, Deputy Sheriff.  
 GEO. O. FRENCH, " "  
 G. N. STEPHENS, " "  
 W. W. HOBART, " "  
 M. A. McLAUGHLIN, " "  
 W. P. UPTON, County Coroner.  
 R. L. ATWILL, Deputy Treasurer.  
 JOSEPH POTTER, Deputy Assessor.

Mr. Burton presented the following report :

*Mr. President :*

Your Committee on Enrollment have examined, and find correctly enrolled, an Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to fix the time for holding the Terms of the District Courts throughout this State,' approved May 4th, 1855."

E. F. BURTON.

Mr. Burton presented the following report :

*Mr. President :*

Your Committee on Finance have had under consideration Assembly Bill No. 81, an Act to amend "An Act concerning the Office of State Treasurer," and beg leave to report the same back without amendment, and recommend its passage.

E. BURTON.

The Bill was then taken up, read a third time, and passed.

Mr. Scellen presented the following report :

*Mr. President :*

The Committee on Counties and County Boundaries have had under consideration Assembly Bill No. 39, an Act entitled An Act to change the County Seat of Klamath County, and would beg leave to report the same back, and recommend its passage.

JNO. D. SCELLEN, Chairman.

The Bill was taken up, read a third time, and passed.

Mr. Tilford presented the following report :

*Mr. President :*

The Committee on Enrollment on yesterday presented to his Excellency the Governor, for his signature, the Act concerning Appeals in certain cases.

Respectfully,

F. TILFORD.

Mr. Coffroth presented the following report :

*Mr. President :*

The Committee on Finance, to whom was referred a petition from the proprietors of certain Theaters in the State, praying the reduction of their license tax, report the same back, with a recommendation that the prayer be granted, in accordance with Senate Bill No. 48, an Act amendatory of "An Act to provide Revenue for the Support of the Government of this State," passed May 15th, 1855; which Bill they report back for the favorable consideration of the Senate. Senate Bill No. 21, under the same title, is also reported back, with a recommendation that it be indefinitely postponed, as the relief sought in the last Act has been incorporated into Bill No. 48.

JAMES W. COFFROTH,  
Of Finance Committee.

The Bill was taken up, ordered printed, and, on motion, laid upon the table.

Mr. Ashley reported back from a Select Committee Senate Bill No. 64, an Act to amend "An Act to fix the time of holding the District Court in the Third Judicial District," and recommended its passage.

The Bill was then taken up, considered engrossed, read a third time and passed.

Mr. Wilson presented the following report :

*Mr. President :*

The Select Committee to whom was referred Assembly Bill No. 37, an Act concerning the corporate name of the City of Los Angeles, reports the same back to the Senate, and recommends its passage.

WILSON.

The hour for the special order having arrived, the Senate considered Senate Bill No. 4, a Bill for an Act recommending to the electors to vote for or against a Convention to revise and change the Constitution of this State.

After some discussion, Mr. Coffroth moved to make the Bill the special order for the third Monday of March next.

Mr. Mandeville moved to amend by inserting the second Monday of March, which was adopted.



The question recurring upon the motion for making the Bill the special order for the second Monday of March, the ayes and noes were demanded by Messrs. Coffroth, French and Mandeville, with the following result.

AYES.

Messrs. Bynum, Cosby, Crandall, Day, De la Guerra, Dosh, Ferguson, Flint, French, Gove, Hook, McNeill, Norman, Rust, Shaw, Tilford and Wilson—17.

NOES.

Messrs. Ashley, Burnett, Burton, Coffroth, Heintzelman, Mandeville, McCallum, Scellen and Waite—9.

So the motion prevailed.

The following communication was received from the Controller of State, and referred to the Committee on Finance.

CONTROLLER'S OFFICE, }  
February 14th, 1856. }

HON. R. M. ANDERSON,

President of the Senate :

*Sir:*—By law, three clerks are assigned to the Controller's office. That number is entirely inadequate to perform the labor in my office, as I have ascertained during my discharge of the Controller's duties. In order to complete the business of my office in a correct and satisfactory manner, I have been obliged to employ an additional clerk. With this force, we are constantly employed from 8½ o'clock, A. M., until 5 in the evening, and very frequently two or more of my clerks are occupied with the business of the office until 8 or 9 o'clock, P. M. The legitimate business of the Controller is increasing greatly every year, and in addition, the Legislature has in several instances imposed additional labor. My predecessor found it absolutely necessary to employ an additional clerk, and during the greater part of the past year, his salary was paid from the contingent fund of the office, which accounts for the large contingent expenditure which appears under that head in the last report. It would certainly be more appropriate to make a direct appropriation for an additional clerk for my office, or assign to it an additional clerk and appropriate the usual amount for his salary. Acknowledging the necessity of a curtailment of expenditures in all the departments of the government, whenever the same can be done without detriment to the public service, I yet deem a compliance with the foregoing suggestions as imperiously demanded by the necessities of my office.

I am, very respectfully,

Your obedient servant,

GEORGE W. WHITMAN,

Controller of State.

The following message was received from the Governor :



EXECUTIVE DEPARTMENT, }  
February 14th, 1856. }

*To the honorable the Senate of California :*

I have this day approved a Bill, originating in the Senate, entitled "An Act concerning Appeals in certain cases."

I have the honor to be

Your obedient servant,

J. NEELY JOHNSON.

The Senate then took up the second special order, Senate Bill No. 58, for an Act making appropriations to meet deficiencies in appropriations heretofore made to defray the civil expenses of government, from the first day of February, 1855, until the first day of February, 1856, which, on motion, was laid upon the table.

The following message was received from the Assembly :

February 14th, 1856.

*Mr. President :*

I am directed to inform the Senate, that the Assembly have passed Assembly Bill No. 21, an Act to amend "An Act to authorize the formation of Corporations for the construction of Plank and Turnpike Roads," passed May 12th, 1853; also,

Bill No. 64, an Act entitled An Act to settle the boundary line between the Counties of Klamath and Humboldt.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

The Senate took up Assembly Bill No. 21, an Act to amend "An Act to authorize the formation of Corporations for the construction of Plank and Turnpike Roads," passed May 12th, 1853, which was read a first and second times, and referred to the Committee on Roads and Highways.

Assembly Bill No. 64, an Act entitled An Act to settle the boundary line between the Counties of Klamath and Humboldt, was taken up, read a first and second time, and referred to the Committee on Counties and County Boundaries.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills have examined Senate Bill No. 64, an Act to amend "An Act to fix the time of holding the District Court in the Third Judicial District," and find the same correctly engrossed.

McCALLUM, Chairman.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills have examined substitute for Senate Bill No. 14, an Act to amend "An Act dividing the State into Counties, and establishing the Seats of Justice therein," passed May 21st, 1851 ; also, Senate Bill No. 46, an Act amendatory of "An Act concerning Corporations," passed April 22d, 1850 ; and find the same correctly engrossed.

McCALLUM, Chairman.

On motion of Mr. Heintzelman, the Committee on Finance was ordered to report back to-morrow the Bill relative to the civil expenses of the State Government.

On motion of Mr. Coffroth, the Hon. M. S. Latham was invited inside the bar of the Senate.

Mr. Shaw offered the following amendment to Senate concurrent resolution, passed relative to Fabiens Stanley, which was adopted :

Before the words "Fabiens Stanley," wherever they may occur, insert the words "Thomas H. Stevens ;" and to substitute "Lieutenants" for "Lieutenant," and the word "these" for "this," and "their" for "his."

Mr. Ferguson gave notice that he would, at an early day, introduce a Bill amendatory of "An Act to regulate Proceedings in Criminal Cases ;" also, a Bill to amend "An Act to regulate Fees in Office."

On motion of Mr. Coffroth, the motion was reconsidered, by which the Bill was ordered printed, amending the Revenue Act of the State.

Mr. De la Guerra withdrew the motion to print.

On motion of Mr. Coffroth the bill was recommitted to the Committee on Corporations.

On motion of Mr. Gove, the Senate adjourned.

## IN SENATE.

FRIDAY, February 15th, 1856.

Senate met pursuant to adjournment.

Lientenant-Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of yesterday read and approved.

Mr. Coffroth presented the following memorial, which was read, and referred to Senators Norman, Crandall, Mandeville and Coffroth, of the Fifth Judicial District.

*To the honorable the Senate and Assembly of the State of California :*

Your petitioners, the undersigned, members of the bar of the County of Calaveras, in the Fifth Judicial District of the State, would most respectfully show:

That with the present organization of said Judicial District, and the Terms of Court therein, actions commenced in the District Court in Calaveras County, are subject to great and vexatious delays. If an answer be filed to a complaint, there is no certainty of obtaining a trial within a year's time.

That there are nearly sixty important civil actions now on the calendar of the District Court in said County, and seven criminal cases for trial or argument.

That the last term of the Court was fully occupied with the trial of two criminal cases, and no civil actions were tried.

A large portion of the litigation of Calaveras, Amador and Tuolumne Counties consists of actions concerning mining claims.

That since the decision of the Supreme Court, limiting the jurisdiction of Justices' Courts to actions where the amount in controversy does not exceed two hundred dollars, most of the mining business has necessarily been driven into the District Court ; and that long delay in these cases is often equivalent to total loss.

And to the end that justice may be speedily administered, actions tried and determined without unreasonable delay, and the welfare of the Counties promoted,

Your petitioners pray that a new Judicial District may be created, composed of the Counties of Amador and Calaveras, and at least five terms per year of said Court may be held in each of said Counties, with power to continue the terms till the business of the Court be disposed of.

And your petitioners, as in duty bound, will ever pray, etc.

ALLEN P. DUDLEY,  
A. C. ADAMS,  
ALEX. H. PUTNEY,  
HENRY ENO,

L. W. BROCKWAY,  
W. P. BUCHANAN,  
WESLEY R. ROUCHER,  
E. R. RUSSLE,  
WM. JEFF. GATEWOOD.

Mr. Burton offered the following report :

*Mr. President :*

Your Committee on Enrollment have examined and find correctly enrolled, An Act to provide for settling the Boundary Line between the Counties of Marin and Sonoma.

E. F. BURTON.

Mr. Coffroth offered the following Memorial, which was referred to the Committee on Roads and Highways:

*To the honorable the Senate and Assembly of the State of California, at Sacramento now assembled :*

The petition of the undersigned, property holders of Tuolumne County, respectively sheweth, That, agreeable to an Act approved April 28th, 1855, concerning Roads and Highways, p. 192, Sec. 10, Laws of the State of California, it is utterly impossible for the Road Overseer to collect from the mining and foreign population of the County.

Your petitioners furthermore state, that when requested to pay their tax by the Collector, they state they will do so in the course of the year, and ridicule the Overseer when he talks of suing.

Your petitioners therefore pray, that your honorable body will pass an Act, at the earliest moment possible, to protect us from a further tax, by giving to the Road Overseer some power to enforce the immediate payment of said tax from the mining and foreign class, whose migratory habits are such that they never can be found twice in the same place. And your petitioners, etc.

Signed,

JOHN G. HAINES,  
And 65 others.

SONORA, February 7th, 1856.

Mr. Mandeville gave notice that he would, at an early day, introduce an Act authorizing Caruthers & Stewart to use the waters of Stanislaus River.

Mr. Coffroth gave notice that he would introduce a Bill, at an early day, to divide the Fifth Judicial District.

Mr. Mandeville presented the following report :

*Mr. President :*

The Committee on Claims, to whom was referred Senate Bill No. 35, An Act to authorize the State Treasurer to issue a duplicate Land Warrant to Geo. W. Coffee, beg leave to report the same back to the Senate, with an amendment, and recommend its passage.

J. W. MANDEVILLE.

The Bill was taken up, and ordered to be engrossed for a third reading.

Mr. Burton presented the following report :



*Mr. President :*

Your Committee on Finance, as instructed by the Senate on yesterday, report back for the consideration of the Senate, Assembly Bill No. 38, An Act making appropriations for the civil expenses of Government of the State. Your Committee propose to amend the Bill, in line 24, by striking out \$8,000 and inserting \$12,960; in line 26, strike out \$5,000 and insert \$6,480; in line 28, strike out \$8,000 and insert \$9,750; and add as line 60, "For special contingent fund of the Executive Department of State, to be used at the discretion of the Governor, \$5,000." From the limited time allowed the Committee for investigation, they are unable to present a full statement relative to the different officers of State. The proposed amendments to the Bill are found necessary, as the amount appropriated is less than allowed the clerks in those offices by law; and your Committee see no economy in appropriating a less sum to those officers than they are allowed by the law creating them.

The Bill was considered as in Committee of the Whole, the amendments proposed by the Committee on Finance concurred in; several other amendments were made thereto, and the Bill made the special order for to-morrow at 12 o'clock, M.

Mr. Scellen offered the following report, which was adopted :

*Mr. President :*

Your Select Committee appointed to investigate the recent sale of public lands in the City of San Francisco, beg leave to report progress and ask leave to sit again. The testimony which your Committee was appointed to take is so voluminous that the Committee was unable, during the limited time they had to remain in San Francisco, to complete their labors. The Committee, therefore, ask leave to sit again, trusting shortly to make a full report on the subject matter referred to them.

JNO. D. SCELLEN,  
Chairman.

On motion, the Committee was granted indefinite leave of absence.

Mr. Scellen offered the following report :

*Mr. President :*

The Committee on Counties and County Boundaries have had under consideration Assembly Bill No. 64, an Act entitled An Act to settle the boundary line between the Counties of Klamath and Humboldt, have considered the same and recommend its passage as amended.

JOHN D. SCELLEN,  
Chairman.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee, to whom was referred Senate Bill No. 52, entitled



An Act to define the term of office of the County Officers of Trinity County, and legalize their Election, have had the same under consideration, and beg leave to offer the following substitute, and recommend the passage of the substitute.

W. J. FERGUSON,  
Chairman.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee, to whom was referred Assembly Bill No. 46, entitled An Act to amend an Act entitled "An Act to punish Vagrants, Vagabonds, and dangerous and suspicious Persons," approved April 30th, 1855, have had the same under consideration, and beg leave to report the same back to the Senate and recommend its passage.

W. J. FERGUSON,  
Chairman.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee, to whom was referred Senate Bill No. 25, entitled An Act to amend "An Act concerning Crimes and Punishments," passed April 16th, 1850, have considered the same, and in the opinion of your Committee, this Bill is unnecessary, as they have already reported a Bill which contains all the provisions of this Bill. They, therefore, recommend its indefinite postponement.

W. J. FERGUSON,  
Chairman.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee, to whom was referred the Assembly substitute for Assembly Bill No. 14, have had the same under consideration, and respectfully recommend its indefinite postponement.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee, to whom was referred Senate Bill No. 42, entitled A Bill for an Act to amend an Act entitled "An Act concerning Crimes and Punishments," passed April 16th, 1850, have had the same under consideration, and report the same back to the Senate with the following amendments, and recommend the passage of the Bill so amended.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee, to whom was referred Senate Bill No. 43, entitled

An Act amendatory of and supplementary to "An Act concerning Crimes and Punishments," passed April 6th, 1850, have had the same under consideration, and report the same back to the Senate with the following amendments, and recommend the passage of the Bill so amended.

On motion, Senate Bills Nos. 42 and 43, were made the special order for Monday next, at 12 o'clock, M.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills have examined Senate Bill No. 35, A Bill for an Act to authorize the State Treasurer to issue a duplicate Land Warrant to Geo. W. Coffee, and find the same correctly engrossed.

J. G. McCALLUM,  
Chairman.

The Bill was taken up, read a third time, and passed.

The following message was received from his Excellency, the Governor :

EXECUTIVE DEPARTMENT, }  
February 14th, 1856. }

*To the Hon. the Senate of California :*

I have this day approved the following Bills, originating in the Senate :

An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to fix the time for holding the District Courts throughout this State,'" approved May 4th, 1855 ; also, a Bill for an Act providing for the confinement of prisoners of the United States.

I have the honor to be,  
Your obedient servant,

J. NEELY JOHNSON.

The following message was received from the Assembly :

*Mr. President :*

I am directed to inform the Senate that the Assembly have this day passed Assembly Bill No. 103, an Act supplementary to an Act entitled "An Act making an Appropriation for the temporary Support of the State Prison," approved February 14th, 1856.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

The Bill was read a first and second time, and referred to the Committee on the State Prison.

Mr. Burton moved to take from the table Senate Bill No. 58, An Act making Appropriations to meet certain Deficiencies; upon which the ayes and noes were demanded by Messrs. Coffroth, Burnett and Burton, with the following result :

## AYES.

Messrs. Burnett, Burton, Coffroth, Cosby, Day, De la Guerra, Dosh, Gove, McCallum, McNeill, Scellen and Shaw—12.

## NOES.

Messrs. Ashley, Bynum, Crandall, Flint, French, Heintzelman, Hook, Mandeville, Norman, Tilford, Waite and Wilson—12.

So the Senate refused to take up the Bill.

Leave being granted, Mr. Bynum introduced a Bill for an Act to authorize Benjamin F. Forsythe and others to construct a Wharf in Solano County, which was read a first and second time, and referred to the Committee on Commerce and Navigation.

Mr. De la Guerra, from a Select Committee, reported back Assembly Bill No. 50, An Act to Incorporate the Town of San Luis Obispo, and recommended its passage.

The Bill was accordingly read a third time and passed.

Mr. Dosh reported back from a Select Committee Senate Bill No. 66, An Act to amend "An Act fixing the time of holding the several Courts authorized to be held by the County Judges in the Counties of Shasta, Santa Clara and Monterey."

The Bill was read a third time, and passed.

On motion of Mr. Mandeville, the Senate adjourned.

## IN SENATE.

SATURDAY, February 16th, 1856.

Senate met pursuant to adjournment.

Mr. Ashley, President *pro tem.*, in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of yesterday read and approved.

Leave being granted, Mr. Waite introduced a Bill for an Act to separate the office of Collector of Taxes from the office of Sheriff, in the County of Nevada, which was read a first and second time, and referred to the Nevada delegation.

Mr. Scellen presented the following petition, which was referred to the Committee on Counties and County Boundaries.

*To the Hon. the Senate and House of Assembly of the State of California :*

The undersigned, citizens and electors of the County of Butte, understand that petitions have been presented to your honorable bodies for the removal of the County Seat of Butte County, do hereby respectfully remonstrate against such removal, for the following reasons :

1st. Because of the heretofore too frequent removals of said County Seat, it having been removed twice since its first location.

2d. Because of the great expense attending such removal.

3d. Because of the inability of the community to incur such unnecessary expense, at this time, in building Court House, Jail and County Offices at any other place.

4th. Because of the sufficiency of such buildings at the present County Seat.

5th. Because it is now in contemplation soon to divide said County, which act would again render it necessary to change said County Seat, as we believe.

6th. Because the whole movement is founded more upon *individual speculation* than public good.

OWEN M. PHILIPS,

And 51 others.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills have examined Senate Bill No. 66, An Act to amend "An Act fixing the time of holding the several Courts authorized to be holden by the County Judges in the Counties of Shasta, Santa Clara and Monterey," and find the same correctly engrossed.

J. G. McCALLUM,  
Chairman.



Mr. Burton presented certain papers from Cansler & Shreeber, citizens of New York, asking to be allowed duplicates of certain coupons lost on the Steamship Arctic, which were referred to the Committee on Claims.

Mr. Norman presented the following report :

*Mr. President :*

The Special Committee appointed to ascertain the amount of Controller's Warrants that have been issued during the year 1855, on account of the State Prison, and to ascertain the amount paid thereon, and to report on the legality of the issuance of all warrants connected with the State Prison for the year 1855, have had the same under consideration, and ask leave to submit the following

### REPORT.

The Committee did not deem it necessary to inquire what amount of warrants had been issued prior to July, 1855. From the 2d of July, 1855, to the 24th of January, 1856, inclusive, a period of six months and twenty-three days, the sum of \$268,460 77 was issued, in State Controller's Warrants, as appears from an "Abstract of Warrants issued on account of the State Prison," and furnished to the Committee at their request, by the State Treasurer. The above amount was issued for the following purposes, viz :

Building Prison Wall .....	\$125,157 84
For supplies for Prison .....	47,748 72
For purchase of State Prison property .....	47,477 70
Paid for transporting prisoners, paid subordinates, etc., etc. . .	48,076 51
	<hr/>
	\$268,460 77

Of the above amount, \$62,436 26 have been paid. The amount remaining unpaid, is \$206,024 51.

The \$125,157 84, issued in State Controller's Warrants, for the construction of the Prison wall, was issued from time to time on orders drawn by John S. Love, one of the State Prison Directors, upon Hon. Samuel Bell, then Controller of State. In these orders for the payment of Mr. Smiley for building the wall, and which are the only vouchers the Controller issued the warrants upon, we find that Mr. Love has drawn in favor of Smiley to the amount of \$10,790 57, for supplies furnished the Prison. Your Committee are of the opinion that by the word "supplies" is meant provisions, especially as we find another order from Mr. Love upon the Controller in favor of Smiley, for building the wall, for the sum of \$5,044, wherein he specified provisions, iron, lumber, etc." The contract with Mr. Smiley was for building a wall, and furnishing, in part, the materials therefor ; and we are at a loss to know why he should furnish provisions, and how he could be paid for them, under a contract that was made for bricks and stones. [For particulars, see vouchers accompanying it, all of which are annexed to this report.]

The Committee examined Mr. Samuel Bell, late Controller, under oath, who says he considered himself authorized, by "An Act to Provide for the Government of the State Prison," approved May 7th, 1855, to issue all of the warrants, (\$125,157 84) that were issued on account of the State Prison. By referring to the above law, we find the following in section 2d: "A majority of the Board



shall constitute a quorum for the transaction of business." There is no part of the law which gives one Director the power to transact business for the whole Board; still we find that Mr. Love has, in connection with this one subject, acted for the whole Board, and drawn upon the Controller, with wonderful success, for the sum of \$125,157 84. It is due to Mr. Bell, however, to state, that he said to the Committee, that the other Directors would have signed the orders if he had refused to issue the warrants on the name of Love. But there is no law which authorizes the Directors to draw upon the Controller for warrants for the building of the Prison wall, nor to authorize the Controller to issue such warrants. The only law that can be so construed, and we think such a construction violent, is section 18th of the Act referred to, which reads as follows: "The salaries of all the officers and employees may be paid monthly out of any funds in the Treasury of the Prison, by an order from the Board of Directors; and any deficiency not provided for by funds in the treasury of the Prison, shall be audited and settled quarterly by the Controller of State, on the presentation of the proper vouchers by the Board of Directors, for which he is authorized to draw warrants on the Treasurer of State, to be paid out of the General Fund." By reading the above section separately, or in connection with the entire law, there can be no doubt but that the word "employees" means simply those persons who were hired or employed by the Directors, as officers, guards, servants, etc.; and it is but fair to say, that in section 18th, the term "Board of Directors," means just what section 2d says it does, "A majority of the Board." If we do not put this construction on the above law, we must conclude that the Directors had power not only to have employees, but also that each one of them, in his capacity of Director, had power to draw upon the Controller, in favor of his employees, for any amount which his judgment, or his conscience, might dictate. Without such a construction of the law, each Director could as easily draw for a million as a hundred dollars, and the Controller might with equal propriety issue his warrants. Does any sane man think the Legislature of 1855 intended to give such unlimited powers to these officers? The Act which, it is pretended, gives a power so monstrous to those officers, does not purport to alter, amend or repeal, any other Act; and we find in the statutes of 1854, a law limiting the power of the Controller, which is still in full force, and a portion of which reads as follows: "He, the Controller, shall audit all claims against the State, which by law are specifically authorized to be audited and paid out of the Treasury, excepting only such claims as may be expressly required by law to be examined and adjusted by other officers or persons; and no claims for services rendered the State, or any officer thereof, or for advances made to or on account of the State, or any officer thereof, shall be audited or allowed, unless such service or advances be specially authorized, and the compensation fixed by law."

No compensation was fixed by law for building the Prison wall. The only inference is, that the Legislature by "An Act to provide for the government of the State Prison," referred to in another place, intended that the wall should be built, and the materials furnished, mainly by the State Prison convict laborers, and that a few persons necessary to be employed to superintend the work, should apply, as has been usual in cases of debt, to the Legislature for payment. Your Committee are of the opinion that orders drawn by only one of the Board, are illegal in all cases; and, further, that the Controller was unauthorized by law to issue the warrants if the majority of the Board had signed them.

Warrants to the amount of \$47,748 72, were issued for supplies; of this amount, \$31,143 99 were issued on orders signed by one Director, R. N. Snowden, only; and are, therefore, in the opinion of the Committee, illegal.

\$47,477 70 were issued in warrants, for the purchase of the State Prison property; the orders upon which \$33,381 67, were issued, were signed by only one

Director, Mr. Love, and are, for reasons named in another part of the report, unlawful; but your Committee are of the opinion that the whole amount, (\$47,477 70, is illegal, as they know of no law which authorized the Directors to make the purchases. \$48,076 51 were issued for payment of salaries of officers and subordinates, transporting prisoners, etc. Your Committee have not examined whether this amount was legally issued or not. The whole amount that your Committee report as having been illegally issued, is as follows:

On account of wall.....	\$125,157 84
Purchasing property .....	47,477 70
Supplies.....	31,143 90
	<hr/>
	\$203,779 53

The Committee ask leave to be discharged from the further consideration of the subject.

Respectfully,

W. B. NORMAN, Chairman.

#### COMMUNICATION FROM CONTROLLER.

OFFICE OF CONTROLLER OF STATE, }  
January 21st, 1856. }

HON. J. T. FARLEY,

*Speaker of the House of Assembly:*

SIR:—Accompanying this, please find certified copies of the Contract entered into by the State Prison Directors and James Smiley, for the erection of a Wall at Point San Quentin, and also the Orders of the said Directors upon the State Controller; upon which orders the amount of \$125,157 84, in State Controller's Warrants, were drawn December 4th, 1855, and made payable to James Smiley, or J. S. Cohen, Attorney.

I am your obedient servant,

GEORGE W. WHITMAN,  
Controller of State.

By WM. WILLIS, Clerk.

#### AGREEMENT.

This Agreement, made this fifteenth day of August, in the year of our Lord one thousand eight hundred and fifty-five, by and between John S. Love, R. N. Snowden and William H. Palmer, Wardens of the State Prison, acting for and in behalf of the State of California, parties of the first part; and James Smiley, of the City and County of San Francisco, State of California, of the second part:

Witnesseth, that for and in consideration of the covenants hereinafter mentioned, the said James Smiley, party of the second part, agrees to build and construct for the party of the first part, a wall around the State Prison, situated at Point San Quentin, in the County of Marin, State of California; such wall to be of the following dimensions, namely: Two thousand feet long, in the form of a square, each side of which is to be five hundred feet long, to be four feet in

thickness at the base or ground line, and to be carried up to the height of ten feet above the ground, with stone, laid in cement ; and then ten feet more in height, to be built of brick, laid in lime. The party of the first part hereby agrees to furnish to the party of the second part, all the stone and brick necessary for the construction of the wall, and to place them as near to the line of the wall as practicable ; and also all the convict labor that is necessary to attend to the masons, and other mechanics, that the party of the second part may employ in the fulfillment of this contract. And the party of the second part hereby agrees to furnish all other materials, excepting those hereinbefore mentioned, and also to furnish the mechanics to do the work. For and in consideration of all which, by the said party of the second part, the said party of the first part agrees to pay to the said party of the second part, forty cents per cubic foot for the stone laid in the wall ; said stone-work to be measured at the end of every two weeks, and a certificate of the amount given to the party of the second part, and orders drawn by the Wardens, parties of the first part, on the State Treasury, for the amount. The State to appoint its own Superintendent, and he to measure the same, and his measurement to be binding upon the party of the second part. The party of the first part furthermore agrees to pay to the party of the second part, for all the brick laid in the wall, at the rate of fifteen dollars per thousand, measured in the wall ; said measurement to be made by the Superintendent at the end of every two weeks, and orders to be drawn by the Wardens on the State Treasury for the amount. The party of the second part also agrees to furnish all the iron-work which may be necessary for said wall ; and the party of the first part agrees to pay for the same at the rate of ten cents per pound, by Wardens' orders on the State Treasury, as hereinbefore mentioned ; and, furthermore, the party of the second part agrees to have the wall and gates finished, and gates hung, by the first day of the month of January, eighteen hundred and fifty-six ; *provided*, that the stone and brick, hereinbefore mentioned, are furnished by the said party of the first part as fast as desired by the said party of the second part.

In Witness whereof, we have hereunto set our hands and seals the day and year first above written :

RICH'D N. SNOWDEN,	[SEAL.]
WM. H. PALMER,	[SEAL.]
JNO. S. LOVE,	[SEAL.]
JAMES SMILEY.	[SEAL.]

Witness to the signature of R. N. Snowden ; also, of JNO. S. LOVE,  
GEO. GIBSON.

Witness to the signatures of Wm. H. Palmer and Jas. Smiley,  
JOHN H. DALL.

OFFICE OF STATE PRISON, }  
October 4th, 1855. }

Please pay to the order of James Smiley, fourteen hundred and sixty-six dollars and fifteen cents, for supplies furnished for the use of the Prison from June 28th, to August 9th, as per account on file in this office.

JOHN S. LOVE,  
Warden of State Prison.

To Hon. SAM. BELL, Controller.

Indorsed James Smiley.

OFFICE OF STATE PRISON, }  
October 4th, 1855. }

SIR :—Please pay to the order of James Smiley, five thousand nine hundred and sixty-seven dollars and seventeen cents, for supplies furnished during the month of September, for the use of the Prison, as per account on file in this office.

JOHN S. LOVE,  
Warden of State Prison.

To Hon. SAM. BELL, Controller.

Indorsed James Smiley.

OFFICE OF STATE PRISON, }  
Sept. 3d, 1855. }

The Controller of the State will please pay to James Smiley or order, twenty thousand five hundred and fifty dollars, for materials furnished and labor performed in the erection of the Wall around the State Prison.

JOHN S. LOVE,  
Warden of State Prison.

To Hon. SAM. BELL, Controller.

Indorsed James Smiley.

OFFICE OF STATE PRISON, }  
Nov. 10th, 1855. }

\$25,524 70

SIR :—Please pay to the order of James Smiley, twenty-five thousand five hundred and twenty-four dollars and seventy cents, for materials furnished and labor performed in the erection of the Wall around the Prison, and charge the same to account of the Prison.

JOHN S. LOVE,  
Warden of State Prison.

To Hon. SAM. BELL, Controller.

Indorsed James Smiley.

OFFICE OF STATE PRISON, }  
Nov. 10th, 1855. }

SIR :—Please pay to the order of James Smiley, three thousand three hundred and fifty-seven dollars and forty cents, for supplies furnished for the use of the Prison, as per bills on file in this office, and charge the same to account of the Prison.

JOHN S. LOVE,  
Warden of State Prison.

To Hon. SAM. BELL, Controller.

Indorsed James Smiley.



OFFICE OF STATE PRISON, }  
Sept. 3d, 1855. }

DEAR SIR:—Please pay to the order of James Smiley, five thousand and forty-four dollars, for provisions, lumber, iron, etc., furnished during the month of August, for the use of the State Prison.

JOHN S. LOVE,  
Warden of State Prison.

To Hon. SAM. BELL, Controller.

Indorsed James Smiley.

\$18,625 20. OFFICE OF STATE PRISON, }  
San Quentin, Marin Co., Sept. 25th, 1855. }

SIR:—Please pay to the order of James Smiley, eighteen thousand six hundred and twenty-five dollars and twenty cents, for labor done and materials furnished, in the erection of the Wall around the State Prison.

JOHN S. LOVE,  
Warden of State Prison.

To Hon. SAM. BELL, Controller.

Indorsed James Smiley.

OFFICE OF STATE PRISON, }  
Oct. 24th, 1855. }

SIR:—Please pay to the order of James Smiley, thirty-one thousand two hundred and seventy-three dollars and twenty cents, for materials furnished and labor performed in the erection of the Wall around the State Prison, as per contract on file in this office.

JOHN S. LOVE,  
Warden of State Prison.

To Hon. SAM. BELL, Controller.

Indorsed James Smiley.

OFFICE OF STATE PRISON, }  
Oct. 24th, 1855. }

SIR:—Please pay to the order of James Smiley, thirteen thousand three hundred and fifty dollars, for brick-work and materials furnished in the erection of the Wall around the State Prison, as per contract on file in this office.

JOHN S. LOVE,  
Warden of State Prison.

To Hon. SAM. BELL, Controller.

Indorsed James Smiley.



SAN FRANCISCO, Dec. 3d, 1855.

HON. SAM. BELL,  
*Controller of State:*

J. S. Cohen is hereby authorized to receive, receipt for and transfer any Warrants due me as Contractor for building at the State Prison.

JAMES SMILEY.

OFFICE OF CONTROLLER OF STATE, }  
Sacramento, Jan. 21st, 1856. }

I, George W. Whitman, Controller of the State, do hereby certify that the foregoing are full, true and correct copies of the original papers, now on file in my office, upon which the annexed amount of warrants were drawn on the State Treasury.

In testimony whereof, I have hereunto set my hand and affixed my official seal, this the 21st day of January, A. D. 1856.

GEORGE W. WHITMAN,  
Controller of State.

By Wm. Willis, Clerk.

NUMBER AND AMOUNT OF WARRANTS ISSUED.

No. of Warrants.	TO WHOM ISSUED.	Amount.
588	Jas. Smiley, or J. S. Cohen, Att'y.....	\$5,157
589	" " .....	5,000
590	" " .....	5,000
591	" " .....	5,000
592	" " .....	5,000
593	" " .....	5,000
594	" " .....	5,600
595	" " .....	5,000
596	" " .....	5,000
597	" " .....	5,000
598	" " .....	5,000
599	" " .....	5,000
600	" " .....	5,000
601	" " .....	5,000
602	" " .....	5,000
603	" " .....	5,000
604	" " .....	5,000
605	" " .....	6,000
606	" " .....	5,000

## NUMBER AND AMOUNT OF WARRANTS ISSUED—CONTINUED.

No. of Warrants.	TO WHOM ISSUED.	Amount.
607	Jas. Smiley, or J. S. Cohen, Att'y .....	5,000
608	“ “ .....	5,000
609	“ “ .....	5,000
610	“ “ .....	5,000
611	“ “ .....	5,000
612	“ “ .....	5,000

Total amount issued upon the accompanying vouchers..... \$125,157

Date of above issue, December 4th, 1855.

Respectfully submitted,

G. W. WHITMAN,  
Controller of State.

By Wm. WILLIS, Clerk.

## COPY OF THE RESOLUTION UPON WHICH THE FOREGOING EXHIBIT WAS MADE.

*Resolved*, That the Controller of State be, and is hereby, directed to furnish this House with the Contract heretofore entered into by the Prison Directors, for the erection of the Prison Wall, together with the amount of warrants issued for the same, the date of such issue, the number of the warrant and to whom given or made payable.

“GEORGE.”

Indorsed, Adopted January 19th, 1856.

J. M. ANDERSON,  
Clerk of Assembly.

COUNTY OF SACRAMENTO, }  
Feb. 8th, 1856. }

Sam. Bell being sworn, says: That the vouchers in the Controller's Office, and copies of which are shown, are the only ones on which Contr. llers' Warrants were issued for supplies and for building of the Wall of the State Prison since the 1st of July, 1855, and while he, deponent, was Controller of State. As Controller, I deemed myself authorized to issue said warrants, under the Act passed May 7th, 1855, concerning the State Prison.

SAM. BELL.

COPY OF COMMUNICATION UPON WHICH THE SUBJOINED  
VOUCHERS ARE SUBMITTED.

HON. G. W. WHITMAN,  
*Controller of State.*

DEAR SIR:—Will you have the goodness to give the undersigned, members of a committee, a statement of all evidence in your office regarding contracts for beef and other supplies furnished the State Prison since that institution has been wholly under the control of the State.

Respectfully, yours,

W. B. NORMAN,  
WM. J. SHAW,  
E. G. WAITE;

Special Committee to examine the amount of Controllers' Warrants issued in 1855, and to report on the legality of the same.

[\$6,851 57, Warrant No. 613, issued in payment, Dec. 4th, 1855, to G. D. Bliss.]

*State Prison of California, to G. D. Bliss, Dr.*

June 18, 1855, to Beef Furnished State Prison from date to Oct.	
26th, 61,943 lbs. 11 cents.....	\$6,813 73
July 22d, 1855, to 185 lbs. Mutton .....	37 84
	\$6,851 97

We, the Directors of the State Prison, certify that the above amount of six thousand eight hundred and fifty-one dollars and fifty-seven cents is correct, and due G. D. Bliss for beef furnished the State Prison, and the Controller of State will please draw a warrant for the same, there being no funds in the Treasury of the Prison.

JOHN S. LOVE,  
JOHN F. MADDEN,  
Directors of State Prison.

POINT SAN QUENTIN, November 26th, 1855.

A.

[Per annexed statement from A to B. Warrants from No. 680 to 697, inclusive, were issued December 17th, 1855, amounting to \$15,170 29. Warrants drawn in favor of Hamilton Bowie.]

*State Prison to Hamilton Bowie, Dr.*

October 3, 1855, to Goods Furnished per Bill Annexed.....	\$874 93
8, " " " .....	369 00
9, " " " .....	633 51
11, " " " .....	281 78
17, " " " .....	50 55
19, " " " .....	938 92
22, " " " .....	235 34
24, " " " .....	315 31
27, " " " .....	97 60
31, " " " .....	814 70
31, " " " .....	3,230 00
	<hr/>
	\$7,841 64

SAN FRANCISCO, December 12th, 1855.

I hereby certify that the above Bill of Provisions furnished the State Prison is correct, less eight hundred and fourteen dollars, before certified to.

Vouchers annexed,

RICHARD N. SNOWDEN,  
President of the Board of State Prison Directors.

SAN FRANCISCO, December 4th, 1855.

*State Prison to Hamilton Bowie Dr.*

December 1st, 1855, to Goods Furnished per Bill Annexed.....	\$490 17
4th, " " " .....	712 33
	<hr/>
	\$1,202 50

SAN FRANCISCO, December 12th, 1855.

I hereby certify that the foregoing Bill of Provisions furnished is correct.

Vouchers annexed,

RICHARD N. SNOWDEN,  
President of the Board of State Prison Directors.





SAN FRANCISCO, October 31st, 1855.

*State Prison to Hamilton Bowie, Dr.*

October 31st, 1855, to	60 qr. sacks, 15 bbls. Flour, \$18 66 $\frac{2}{3}$ .....	\$280 00
" "	24 sacks Potatoes, weight 2,883 lbs. 5 $\frac{1}{2}$ cents. ....	153 76
" "	4 sacks Salt, weight 570 lbs. 5 cents.....	28 50
" "	4 sacks Coffee, weight 661 lbs. 37 $\frac{1}{2}$ cents....	246 77
" "	4 sacks Sugar, weight 400 lbs. 18 $\frac{3}{4}$ cents.....	74 67
" "	1 sack Rice, weight 50 lbs. 18 cents .....	9 00
" "	1 can best Oysters.....	2 00
" "	1 box Crackers, weight 55 lbs. 20 cents.....	11 00
" "	1 lb. Nutmegs .....	3 00
" "	Drayage.....	6 00
		<hr/> \$814 70

[The above included in other vouchers.]

I hereby certify that the above account is correct.

RICHARD N. SNOWDEN,  
President of Board of State Prison Directors.

SAN FRANCISCO, December 11th, 1855.

B.

[Warrant No. 698, issued to Hamilton Bowie for \$658 67, Dec. 17th, 1855.]

SAN FRANCISCO, December 14th, 1855.

*State Prison to Hamilton Bowie, Dr.*

December 14th, 1855, to	8 Head of Cattle, delivered at State Prison	
to date, weight	3,952 lbs., at 16 $\frac{2}{3}$ cents.....	\$658 67

I certify the above account is true and correct.

RICHARD N. SNOWDEN,  
President of Board of State Prison Directors.

The above account was omitted in the former account certified to.

RICHARD N. SNOWDEN,  
President of Board of State Prison Directors.

SAN FRANCISCO, December 14, 1855.

C.

[Per annexed statement from C to D, Warrants from 707 to 710 inclusive, were issued to Hamilton Bowie, December 26th, 1855, \$2,765 51.]

SAN FRANCISCO, December 22d, 1855.

*State Prison to Hamilton Bowie, Dr.*

1855.

December 21, To	6 sacks Coffee, weight 985 lbs., 37 $\frac{1}{3}$ cents .....	\$367 73
"	6 mats Sugar, weight 600 lbs., 18 $\frac{2}{3}$ cents .....	112 00
"	4 $\frac{1}{2}$ boxes Candles, 64 lbs., \$1 15 .....	73 60
"	2 bbls. Butter, 203 lbs., \$1 20 .....	243 75
"	1 box Pepper, 2 dozen, \$5 .....	10 00
"	2 bbls. Molasses, 84 gallons, \$1 30 .....	109 20
" 22,	Fresh Beef, 3,908 lbs., 20 cents .....	781 60
"	59 sacks Potatoes, 7,039 lbs., 6 cents .....	422 34
"	100 quarter sacks, 25 bbls. Flour, \$19 .....	475 00
"	20 sacks Barley, 1,869 lbs., 5 $\frac{1}{2}$ cents .....	102 80
"	10 sacks Oats, 827 lbs., 5 $\frac{1}{2}$ cents .....	45 49
"	Drayage .....	22 00
		<hr/> \$2,765 51

I hereby certify that the foregoing account is correct, for provisions furnished for the use of State Prison, as per voucher annexed.

RICHARD N. SNOWDEN,  
President of Board of State Prison Directors.

December 24th, 1855.

D.

December 21st, 1855, received from Hamilton Bowie the following goods, in good order and condition, for the use of the State Prison :

59 sacks of Potatoes, weighing, lbs. ....	7,039
100 quarter sacks Flour, " .....	5,000
20 sacks Barley, " .....	1,869
10 sacks Oats, " .....	827
6 sacks Coffee, " .....	985
6 mats Sugar, " .....	600
4 $\frac{1}{2}$ boxes Candles, " .....	64
2 firkins Butter, " .....	203
2 bbls. Molasses, containing gallons .....	84
1 box Pepper, containing dozen .....	2

ALEX. REED,  
Commissary.

SAN FRANCISCO, December 22d, 1855.

Received from Hamilton Bowie, in good order and condition, 3,908 lbs. fresh beef, for the use of the State Prison.

ALEX. REED,  
Commissary.

December 24th, 1855.

Please send warrants for the inclosed, and oblige,

Yours, truly,

H. BOWIE.

SAM. BELL, Esq., Sacramento.

E.

[Per annexed statement from E to F, warrants from 713 to 714, inclusive, were issued December 28th, 1855, amounting to \$9,743 26, warrants drawn in favor of G. W. Ryckman.]

*Directors of the California State Prison, to G. W. Ryckman, Dr.*

1855.

Nov. 5,	3 dozen Collins' heavy Picks, at \$30.....	\$90 00
7,	8 kegs Nails, \$10.....	80 00
9,	10 dozen Hickory Shirts, \$12.....	120 00
12,	26 tons Hay, \$33.....	910 00
12,	2,892 lbs. Potatoes, 3½c.....	101 00
13,	11,000 feet Redwood and Oregon Boards, \$60.....	660 00
13,	2,000 feet ¾-inch Redwood and Oregon Boards, \$50.....	100 00
15,	15 sacks Barley, 1,748 lbs., 5c.....	87 40
15,	15 sacks Oats, 1,125 lbs., 5c.....	56 25
15,	3,500 lbs. Flour, 7c.....	245 00
15,	6 bags Coffee, 840 lbs., 28c.....	235 00
15,	6 mats Sugar, 600 lbs. 15c.....	90 00
15,	1 bbl. Vinegar, 34½ gallons, 50c.....	17 25
15,	1 box Pepper, 3 dozen, \$4.....	12 00
15,	2 dozen Brooms, \$12.....	24 00
15,	2 dozen Pint Cups, \$3.....	6 00
15,	2 dozen Table Spoons, \$2 50.....	5 00
16,	2 kegs, 20 lbs. Nails, \$12.....	24 00
16,	1 Desk Lock.....	1 50
19,	15 sacks Barley, 1,750 lbs., 5c.....	87 50
19,	15 sacks Oats, 1,125 lbs. 5c.....	56 25
19,	3,500 lbs. Flour, 7c.....	245 00
19,	2 bbls. Molasses, 60 gallons, 75c.....	45 00
19,	4 sacks Onions, 500 lbs., 12c.....	60 00
19,	1 gross Matches.....	5 00
19,	2 lbs. Shaker Sage.....	3 00
19,	2 lbs. Glue, 75c.....	1 50
19,	1 keg choice June Butter, 125 lbs., 90c.....	112 50
20,	1,500 feet Redwood Boards, \$60.....	90 00
21,	500 feet White Pine Clear Stuff, \$120.....	60 00
21,	3 bags Coarse Salt, 480 lbs., 4c.....	19 20
21,	3 bags Fine Salt, 330 lbs., 5c.....	16 50
21,	3 boxes Adamantine Candles, 90 lbs., 90c.....	81 00
22,	2,500 feet Redwood Boards, \$60.....	150 00
22,	half-dozen Hand-saw Files.....	3 00

22,	2 dozen half-round Bastard Files, \$2.....	\$4 00
22,	6 dozen flat " " \$2.....	12 00
22,	1 Chest Lock.....	1 50
22,	1,890 lbs. Beef, 12c.....	225 90
22,	1 pair Chest Handles.....	2 00
22,	6,000 lbs. Flour.....	420 00
23,	2,000 feet Redwood Boards, \$60.....	120 00
24,	6,000 lbs. Flour, 7c.....	420 00
24,	400 lbs. Soap, 12c.....	48 00
24,	2,500 feet Redwood Boards, \$6.....	150 00
26,	2,500 lbs. Flour, 7c.....	175 00
26,	half-bbl. Crushed Sugar.....	20 00
26,	boxes Salt Water Soap, 50 lbs.....	7 50
26,	1 box Pepper, 40 lbs., 50c.....	20 00
26,	10 kegs Lard, 570 lbs., 50c.....	235 00
26,	35 kegs Black Lead, 30c.....	10 50
26,	5 gallons Boiled Oil, \$3.....	15 00
26,	1 large Tin Pan.....	3 00
26,	1 quart Turpentine and Tin Can.....	2 00
27,	1 keg Choice June Butter, 108 lbs., 90c.....	97 20
27,	6 bags Coffee, 950 lbs., 28c.....	266 00
27,	6 mats Sugar, 600 lbs., 15c.....	90 00
27,	5 gallons best Sperm Oil, \$3.....	15 00
27,	1 large Tin Can.....	3 00
27,	1,865 lbs. Beef, 12c.....	223 80
27,	2 lbs. Thread, \$1 50.....	3 00
27,	15 sacks Barley, 1,750 lbs., 5c.....	87 50
27,	15 sacks Oats, 1,125 lbs., 5c.....	56 25
27,	2 kegs 10-d. Nails, 12c.....	24 00
27,	2 kegs 20-d. Nails, 12c.....	24 00
28,	2,248 lbs. Beef, 12c.....	269 76

---

\$7,000 76

Received payment by an order on the Controller's Office,

G. W. RYCKMAN.

*Directors of California State Prison, to G. W. Ryckman, Dr.*

1855.

Sept. 27,	To	40 $\frac{1}{2}$ cords Wood, delivered, at \$10.....	\$405 00
Oct. 1,		30 $\frac{3}{4}$ " " " " ".....	307 50
2,		26 tons Hay, \$35.....	910 00
2,		32 " " " " ".....	1,120 00
			<hr/>
			\$2,742 50

Received payment by order on the Controller of State.

G. W. RYCKMAN.

SACRAMENTO, December 28, 1855.

*State of California to G. W. Ryckman, Dr.*

For articles furnished State Prison, as per these two bills of items.. \$9,743 26

OFFICE OF STATE PRISON, }  
Dec. 17th, 1855. }

SIR: Please pay to the Order of G. W. Ryckman, nine thousand seven hundred and fifty-three dollars and twenty-six cents, for wood and hay furnished during the months of September and October, and for provisions and other supplies furnished during the month of November, as per bills on file in this office.

JOHN S. LOVE,  
RICHARD N. SNOWDEN

Hon. SAM. BELL, Controller of State of California.

F.

[Warrant No. 752, issued in payment to John F. McCauley, Dec. 31, 1855, \$11,804 42.]

*State of California to John F. McCauley, Dr.*Sept. 7th, 1855, to 106 head American Work and Beef Cattle,  
amounting to ..... \$11,804 42

We hereby certify the above bill to be correct, and that the said amount of eleven thousand eight hundred and four dollars and forty-two cents, is due John F. McCauley, for American Cattle furnished to the State Prison of California.

RICHARD N. SNOWDEN,  
President of the Board of State Prison Directors.

[Warrant No. 757, issued in payment, Dec. 31, 1855, to H. Bowie, \$755 20.]

SAN FRANCISCO, December 28th, 1855.

*State Prison to Hamilton Bowie, Dr.*

Dec. 28, 1855, to Fresh Beef, 3,746 lbs., 20c.....	\$749 20
Drayage.....	6 00
	<hr/>
	\$755 20



[DUPLICATE.]

*State of California to Hamilton Bowie, Dr.*

For supplies furnished State Prison..... \$755 20

Received from Hamilton Bowie, in good order and condition, 3,746 lbs. fresh Beef.

ALEXANDER REED,  
Commissary.

POINT SAN QUENTIN, December 28th, 1855.

## RECAPITULATION.

No. of Warrants.	To whom Issued.	Date of the Issue.	Amount.
613	G. D. Bliss,	December 4th, 1855.	\$6,851 47
*680	Hamilton Bowie,	December 17th, 1855.	15,170 29
to			
697	Hamilton Bowie,	December 17th, 1855.	658 57
698			
*707	Hamilton Bowie,	December 26th, 1855.	2,765 51
to			
710	G. W. Ryckman,	December 28th, 1855.	9,743 26
*713			
and	J. F. McCauley,	December 31st, 1855.	11,804 42
714			
752	Hamilton Bowie,	December 31st, 1855.	755 20
757			
Total.....			\$47,748 72

\* Supplies for the State Prison.

OFFICE OF CONTROLLER OF STATE,  
Sacramento, January 25th, 1856. }

I, G. W. Whitman, Controller of State, do hereby certify that the foregoing are full, true and correct copies of the original Vouchers, now on file in my office, upon which the accompanying Warrants (a statement of which is herewith submitted,) were issued.

In testimony whereof, I have hereunto set my hand, and affixed my official seal, this, the 25th day of January, A. D. 1856.

GEORGE W. WHITMAN,  
Controller of State.

By WM. WILLIS, Clerk.

To Messrs. W. B. NORMAN, WM. J. SHAW and E. G. WAITE,  
Committee to Examine Warrants, etc.

GENTLEMEN : Accompanying, I have the honor to submit a statement of the warrants issued in 1855, on account of supplies for the State Prison. Trusting it may meet the requirements of your communication,

I remain,  
Your obedient servant,

G. W. WHITMAN.

By WM. WILLIS, Clerk.

No. 1.

[Warrants from 61 to 67 were issued July 7th, 1855, to the amount of \$33,000. Palmer, Cook & Co. received \$25,000, and Estell & Woods \$8,000.]

\$25,000

SAN FRANCISCO, Cal., June 13th, 1855.

Pay to Messrs. Palmer, Cook & Co. or order, twenty-five thousand dollars, in State Controller's Warrants, out of the first, issued for property purchased of us, by the State of California, for State Prison purposes and use, and oblige,

Your obedient servants,

ARCH'D WOODS,  
J. M. ESTELL.

To the Board of Directors of the California State Prison.

June 13th, 1855.

Accepted, to be paid out of the first moneys or warrants that may come into our hands, or may be subject to our order, belonging to said Estell & Woods.

JOHN S. LOVE,  
RICHARD N. SNOWDEN.  
WM. H. PALMER.

*State of California to J. M. Estell and A. Woods, Dr.*

July 6th, 1855, to amount of Property purchased by the State Prison  
Directors, for the use and benefit of the State..... \$33,000

OFFICE OF STATE PRISON, }  
July 6th, 1855. }

I hereby certify that the above amount of property was purchased by the State Prison Directors, for the immediate use and benefit of the State Prison,

and that the same was indispensably necessary for the use and benefit of the State Prison.

JOHN S. LOVE,  
Warden of State Prison.

## No. 2.

[Warrant No. 212, issued to Van Houghton & Co., Aug. 2, 1855, for \$702 98.]

\$702 98.

SAN FRANCISCO, June 14th, 1855.

*The Directors of the California State Prison :*

Please pay to order of Van Houghton & Co., seven hundred and two dollars and ninety-eight cents, out of any State Controllers' Warrants due me after July 1st, 1855.

J. M. ESTELL.

OFFICE OF STATE PRISON, }  
July 14th, 1855. }

I hereby certify the above order to be a portion of the amount to be paid J. M. Estell and A. Woods, according to contract with them for property bought by the Directors, of A. Woods, for the use of State Prison of California.

JOHN S. LOVE,  
Warden of State Prison.

Indorsed, June 14th, 1855, accepted as one of the Board of State Prison Directors.

WM. H. PALMER,  
JNO. S. LOVE,  
RICHARD N. SNOWDEN. } Directors.

*State of California to Van Houghton & Co., Dr.*

For Property purchased at State Prison.....\$702 98

SACRAMENTO, August 2d, 1855.

## No. 3.

[Warrant No. 282, issued Aug. 24th, 1855, to Thos. Russell, for \$248.]

\$248.

SAN FRANCISCO, June 18th, 1855.

*The Directors of the California State Prison :*

Please pay, on the 6th day of July next, to order of Thos. Russell, two hundred and forty-eight dollars, in State Controllers' Warrants, due me, and oblige,

J. M. ESTELL.

We accept to pay the within, when the agreement between the parties concerned is made perfect.

JNO. S. LOVE,  
WM. H. PALMER,  
State Prison Directors.

June 20th, 1855.

OFFICE OF STATE PRISON, }  
August 20th, 1855. }

HON. SAM. BELL,

*Controller of State :*

SIR : The order held by Thomas Russell, for two hundred and forty-eight dollars, drawn by J. M. Estell, on the State Prison Directors and myself, is a part of the payment we were to make to Estell for property purchased of him, and stands in the same category as those already audited by you ; you will please pay the same.

Very respectfully, yours, etc.,

JNO. S. LOVE,  
Warden of State Prison.

*State of California to Thomas Russell, Dr.*

For purchase of Property on account of State Prison..... \$248

SACRAMENTO, Aug. 24th, 1855.

No. 4.

[Warrants from 636 to 640, issued December 5th, 1855, to J. M. Estell, for \$2,500.]

\$2,500.

SAN FRANCISCO, June 18th, 1855.

*The Directors of the California State Prison :*

Please pay, on the 6th day of July next, to the order of Gardiner Elliot and Cook & Cohen, twenty-five hundred dollars, in State Controllers' Warrants, due me, and oblige,

J. M. ESTELL.

Accepted, to be paid out of any moneys due the said Estell and A. Woods, in compliance with agreement with them, June 18th, 1855.

JNO. S. LOVE,  
WM. H. PALMER,  
RICHARD N. SNOWDEN.  
State Prison Directors.

No. 5.

\$381 67.

*The Directors of the California State Prison :*

Please pay, on the 6th day of July next, to order of E. Whiting, three hundred and eighty-one dollars and sixty-seven cents, in State Controllers' Warrants, due me, and oblige,

J. M. ESTELL.

June 29th, 1855.

We, the undersigned, Directors of the State Prison, guarantee payment of this order, when the agreement on the part of A. Woods is complied with.

JNO. S. LOVE,  
Warden of State Prison.  
RICHARD N. SNOWDEN.

\$381 67.

I hereby certify that the within order is part of the amount to be drawn for on the Controller of State, for property purchased from A. Woods, for the use of the State Prison, and is included in, and part of, the schedule of property filed with the article of agreement between said Woods and the State Prison Directors.

JNO. S. LOVE,  
Warden of State Prison.

Please deliver within described Controller's Warrant to Wells, Fargo & Co.

E. WHITING.

\$3,000.

SAN FRANCISCO, May 30th, 1855.

Hon. SAM. BELL,  
*Controller of State :*

Will please issue to the order of James S. Graham, three thousand dollars of such scrip, as may become due, on which you may be authorized to issue, on account of property purchased for the State Prison.

J. M. ESTELL.

Accepted May 30th, 1855.

SAM. BELL,  
Controller of State.

DEAR SIR : Above I send an order for scrip to be issued, please file it in your office, and when it is issued, issue it to me ; I understand it is the first order.

J. B. HIGGINS.

Indorsed, for value received, pay to the order of J. B. Higgins.

JAS. S. GRAHAM.



\$417 20.

SAN FRANCISCO, June 18th, 1855.

*The Directors of the California State Prison:*

Please pay, on the 6th day of July next, to order of Andrew Hepburn, four hundred and seventeen dollars and twenty cents, in State Controllers' Warrants, due me, and oblige,

J. M. ESTELL.

We accept and agree to pay the within as soon as the agreement between the parties is complied with.

JOHN S. LOVE,  
WM. H. PALMER.  
State Prison Directors.

Indorsed, ANDREW M. HEPBURN.

## SCHEDULE

*Of Orders drawn by Gen. James Estell on the Directors of the State Prison, and accepted by them.*

Asa Estes.....	\$1,235 38
M. Turner.....	504 46
P. Foley (order not sent) .....	134 40
G. W. Welles.....	237 84
C. W. Robinson .....	304 58
G. A. Woods .....	46 17
H. Morgan .....	471 66
H. N. Cabell.....	243 66
H. Bristol.....	286 83
J. M. Gray.....	216 33
H. Andrews .....	184 42
J. M. Kensy.....	339 50
P. J. Fisk.....	364 11
A. Reed .....	140 33
J. M. Smith .....	144 50
H. Young.....	234 50
G. Millgratte .....	129 50
A. H. Pillow.....	1,041 25
F. N. Russell .....	223 33
B. F. Pullen .....	103 44
E. Russell .....	50 40
John Johnes .....	71 67
Irish Milton.....	108 33
John Gibson .....	159 99
Robert Perry.....	251 67
	<hr/>
	\$7,227 85

STATE PRISON OF CALIFORNIA, }  
July 11th, 1855. }

We, the Directors of the State Prison, hereby certify, that the amount of seven thousand two hundred and twenty-seven dollars and eighty-five cents, the amount of the schedule of the within orders, is for property bought of J. M. Estell & A. Woods, for the use of the State Prison, and that the property was necessary for the purpose of conducting the business of the Prison.

RICHARD N. SNOWDEN,  
JOHN S. LOVE.

State Prison Directors.

To Hon. SAM. BELL, Controller.

[Warrants from 150 to 178 were issued July 28th, 1855, \$11,026 72.]

SAN FRANCISCO, June 1st, 1855.

*To the Directors of the California State Prison:*

GENTLEMEN: I hereby authorize James M. Estell to receive any money due me on account of property sold to the State Prison Directors, for the use and benefit of the State, and will be fully bound by his individual signature.

A true copy.

Signed,

ARCH. WOODS.

#### RECAPITULATION.

July 7, 1855, Estell & Woods.....	\$33,000 00
Aug. 2, " Van Houghton & Co.....	702 98
Dec. 24, " Thos. Russell.....	248 00
5, " J. M. Estell.....	2,500 00
July 28, " J. M. Estell.....	11,026 72

Total amount issued for purchase of State Prison Property...\$47,477 70

OFFICE OF CONTROLLER OF STATE, }  
January 26th, 1856. }

I, George W. Whitman, Controller of State, do hereby certify, that the amount of forty-seven thousand four hundred and seventy-seven dollars and seventy cents, in Controllers' Warrants, have been issued on account of purchase of property for the use of the State Prison, and that the accompanying vouchers are full, true and correct copies of the originals now on file in my office.

In testimony whereof, I have hereunto set my hand and affixed my Official Seal this, the 26th day of January, A. D. 1856.

GEORGE W. WHITMAN,

Controller of State.

By WM. WILLIS, Clerk.

### COMMUNICATION FROM TREASURER

STATE TREASURER'S OFFICE,  
Sacramento, January 25, 1856. }

Hon. W. B. NORMAN, Chairman Committee :

SIR: I am in receipt of your communication of yesterday, requesting me to furnish you with a list, which can be authorized on oath, of all warrants registered in my office which were issued for the payment of State Prison purposes. Accompanying this I have the honor of transmitting to you a correct list of said warrants, registered in due form on the books in this office.

I am, very respectfully,  
Your obedient servant.

HENRY BATES,  
State Treasurer.

## ABSTRACT

*Of Warrants Issued for Account of State Prison.*

Date.	No.	TO WHOM ISSUED AND PURPOSE.	Amount.
1855.			
July	2	30 R. Heuth, transporting prisoners.....	\$465 00
	5	46 D. N. Hunt, " " .....	1,085 00 Paid
	7	61 J. M. Estell or A. Woods, purchase of property.....	4,000 00 " "
		62 " " " " .....	4,000 00 " "
		63 " " " " .....	5,000 00 " "
		64 " " " " .....	5,000 00 " "
		65 " " " " .....	5,000 00 " "
		66 " " " " .....	5,000 00 " "
		67 " " " " .....	5,000 00 " "
	12	91 M. Gray, transporting prisoners.....	220 00
	19	101 John Boling, " " .....	265 00
	17	108 H. Johnson, " " .....	55 00
	17	109 " " " " .....	55 00
	31	161 J. M. Estell & Woods, or H. Cabell, purchase of property.	143 66
		162 " " H. Bristol, " " .....	286 83
		163 " " or J. M. Gray, purchase of property.....	216 33
		164 " " H. Andrews, " " .....	184 42
		165 " " J. M. Kinsey, " " .....	339 50
		166 " " " " " " .....	140 33
		167 " " A. Reid, " " .....	364 33
		168 " " M. Smith, " " .....	144 50
		169 " " H. Young, " " .....	234 50
		170 " " G. Milgate, " " .....	129 50
		171 " " T. M. Kimmell, " " .....	223 33
		172 " " B. F. Pullen, " " .....	103 44
		173 " " E. Rimmell, " " .....	50 00
		174 " " John Jones, " " .....	71 67
		175 " " J. Miller, " " .....	108 33
		176 " " J. Gibson, " " .....	159 99
		177 " " R. Pinney, " " .....	251 67
		178 " " A. H. Pillon, " " .....	1,041 25

[illegible]

## ABSTRACT—CONTINUED.

Date.	No.	TO WHOM ISSUED AND PURPOSE.	Amount.	
1855.				
	529	J. M. Lane, salary of Attache.....	\$66 66	Paid
Nov. 27	541	Andrew Brady ".....	253 33	"
29	549	A. McAllister or E. Jones, ".....	110 00	"
Dec. 4	573	H. Bristol, ".....	490 00	"
4	576	W. Winters or M. G. Read, ".....	93 34	"
	577	A. Andrews, ".....	276 66	"
	578	J. S. Love, salary of Director.....	1,166 68	"
	579	A. W. Taliaferro, salary of Attache.....	702 00	"
	588	J. Smiley or J. S. Cohen, labor and materials.....	5,157 84	
	589	" " ".....	5 000 00	
4	590	" " ".....	5,000 00	
	591	" " ".....	5,000 00	
	592	" " ".....	5,000 00	
	593	" " ".....	5,000 00	
	594	" " ".....	5,000 00	
	595	" " ".....	5,000 00	
	596	" " ".....	5,000 00	
	597	" " ".....	5,000 00	
	598	" " ".....	5,000 00	
	599	" " ".....	5,000 00	
	600	" " ".....	5,000 00	
	601	" " ".....	5,000 00	
	602	" " ".....	5,000 00	
	603	" " ".....	5,000 00	
	604	" " ".....	5,000 00	
	605	" " ".....	5,000 00	
	606	" " ".....	5,000 00	
	607	" " ".....	5,000 00	
	608	" " ".....	5,000 00	
	609	" " ".....	5,000 00	
	610	" " ".....	5,000 00	
	611	" " ".....	5,000 00	
	612	" " ".....	5,000 00	
	613	G. D. Bliss, labor and materials.....	6,851 47	
	615	C. O. Keefe, salary of Attache.....	300 00	
	616	N. A. Hobbs or M. G. Read, salary of Attache.....	400 00	
	618	A. Estes, salary of Attache.....	511 85	
	619	J. M. Gray, ".....	291 94	
	620	R. Perry, ".....	250 00	
	621	G. W. Woods, ".....	293 33	
	622	C. Frazier, ".....	70 00	
	623	J. W. McKenzie, ".....	326 66	
	624	J. Gray, ".....	252 33	
	625	E. Brunan, ".....	277 67	
5	626	John Spoil, ".....	356 66	
	627	F. W. Russell, ".....	325 26	
	628	John Jones, ".....	400 00	
	629	H. Catron, ".....	400 00	
	630	H. E. Young, ".....	285 26	
	631	C. W. Robinson, ".....	400 00	
	632	R. Smith, ".....	63 33	
	633	A. C. Caball, ".....	371 93	
	634	P. Burns, ".....	193 34	
	635	S. Root, ".....	120 00	
	636	H. Elliott, Cook & Copan, purchase of property.....	500 00	
	637	" " ".....	500 00	
	638	" " ".....	500 00	
	639	" " ".....	500 00	



## ABSTRACT—CONTINUED.

Date.	No.	TO WHOM ISSUED AND PURPOSE.	Amount.
1855.			
	640	H. Elliott, Cook & Copan, purchase of property.....	\$500 00
Dec. 6	642	Milton Irish, salary of Attache.....	400 00
7	648	R. N. Snowden or M. G. Read, salary of Director.....	291 67
11	650	— Tashton " " Attache.....	130 00
13	676	J. R. Richards " " ".....	200 00
	677	J. McNabb " " ".....	180 00
	678	W. H. Palmer " " ".....	1,322 19
	679	A. H. Pillow, " " ".....	867 00
	680	H. Bowie or A. J. Butler, provisions.....	400 00
	681	" J. W. McCorkle, ".....	766 00
	682	" M. G. Read, ".....	640 00
	683	" " ".....	174 40
	684	" " ".....	150 00
	685	" " ".....	150 00
	686	" " ".....	150 00
	687	" " ".....	150 00
	688	" " ".....	589 59
	689	" " ".....	500 00
	690	" " ".....	500 00
	691	" " ".....	500 00
14	692	" provisions.....	500 00
	693	" ".....	1,000 00
	694	" ".....	1,000 00
	695	" ".....	1,000 00
	696	" ".....	2,000 00
	697	" ".....	5,000 00
	698	" ".....	658 57
18	700	W. A. Hobbs or J. and S. Wormser, salary of Attache....	200 00
19	601	A. Read, salary of Attache.....	442 50
21	702	Leroy Knight, ".....	383 34
26	707	H. Bowie, provisions.....	1,000 00
	708	" ".....	1,000 00
	709	" ".....	500 00
	710	" ".....	265 51
28	712	H. Morgan, salary of Attache.....	777 77
	713	G. W. Ryckman, supplies.....	5,000 00
	714	" ".....	4,743 26
29	715	W. Burns or M. G. Read, salary of Attache.....	150 00
31	721	Asa Estes, salary of Attache.....	135 00
	749	John S. Love, salary of Director.....	875 00
	750	C. O. Keefe, salary of Attache.....	100 00
	751	J. F. Madden, salary of Director.....	719 45
	752	J. F. McCauley, supplies.....	11,804 42
	756	R. N. Snowden or Read, salary of Director.....	291 67
	757	H. Bowie, supplies.....	755 20
Jan. 2 '56	759	J. M. Smith, salary of Attache.....	523 33
	763	— Armstrong or E. Jones, salary of Attache.....	280 00
3	764	F. W. Russell, salary of Attache.....	300 00
	765	H. S. Cabell, ".....	293 66
	766	J. W. Gray, ".....	390 00
	767	E. F. Gray, ".....	300 00
	768	J. McKenzie, ".....	278 60
Dec. 4 '55	747	A. W. Talliaferro, ".....	625 00
Jan. 4	773	N. Randall, ".....	276 66
	774	H. Catron, ".....	300 00
	775	M. M. Kinsey, ".....	283 33
	776	T. Simpson, ".....	100 00
	777	J. Lansing, ".....	55 23

## ABSTRACT—CONTINUED.

Date.	No.	TO WHOM ISSUED AND PURPOSE.	Amount.
1855.			
Jan.	5	783 E. Terry, salary of Attache.....	\$100 00
		784 J. Ryder, ".....	333 33
	7	785 S. Terry, ".....	46 67
		787 B. Tinweek or A. Ball, salary of Attache.....	150 00
		788 " ".....	149 50
	8	790 J. T. Stuart, salary of Attache.....	300 00
		791 A. Andrews, ".....	300 00
		792 Thomas Slater, ".....	156 66
		798 W. B. Robertson, ".....	70 00
	9	803 P. Burns, ".....	300 00
		804 C. Brennan, ".....	300 00
		801 R. Perry, ".....	299 60
		802 R. Goodsell, ".....	300 00
		811 J. Hess, ".....	300 00
		810 J. Spud, ".....	300 00
		807 J. Larkin, ".....	200 00
		837 J. English, ".....	276 66
		828 J. M. Gray, ".....	250 10
		839 G. W. Gilchrist, ".....	276 66
		830 M. Irish, ".....	293 60
		831 R. Smith, ".....	281 50
		832 W. Snyder, ".....	276 66
		833 S. Root, ".....	300 00
		834 G. W. Woods, ".....	386 00
	11	835 H. Young, ".....	300 00
		840 W. Turner, ".....	408 04
		841 George Lee, ".....	180 00
	14	844 J. O. Connor, ".....	1,368 00
		845 N. Smith, ".....	999 00
		846 W. Milling, ".....	873 00
	18	996 G. W. Walls, ".....	598 60
		997 John Jones, ".....	298 60
		998 D. Virnger, ".....	243 34
	22	1148 A. T. George or L. S. Downey, salary of Attache.....	133 33
	24	1250 C. Fragg, salary of Attache.....	300 00
		Total.....	\$268,460 77

STATE TREASURY DEPARTMENT, CAL. }  
 Sacramento, Jan. 25th, 1856. }

I certify the foregoing to be a true transcript from the books of this office.

Amount paid..... \$62,436 26  
 Amount unpaid..... 206,024 51  
 Total.....\$268,460 77

HENRY BATES,

State Treasurer.

Mr. Tilford moved that the report be printed.

Carried.

Mr. Burton moved to take from the table the Deficiency Bill, No. 58.

Lost.

Senate Bill No. 25, an Act to amend "An Act concerning Crimes and Punishments," passed April 16th, 1850, came up in regular order, and, in accordance with the recommendation of the Judiciary Committee, was indefinitely postponed.

Assembly Bill No. 46, an Act to amend "An Act to punish Vagrants, Vagabonds and Dangerous and Suspicious Persons," approved April 30, 1855, was taken up, read a third time and passed.

Senate Bill No. 52, An Act to define the Terms of Office of the County Officers of Trinity County and to Legalize their Election, was taken up, and, on motion, recommitted to the Judiciary Committee, with instructions to insert the words "County of Nevada."

On motion of Mr. Hook, leave of absence was granted to Mr. Westmoreland for one day.

Mr. Ashley presented the following report :

*To the Senate :*

The Committee on Public Lands have considered Senate Bill No. 12, concerning Land Titles, etc., and after a patient consideration of the same, actuated by a desire to do exact justice, and especially to favor settlers on lands for agricultural purposes, your Committee have spared no pains, and now report "An Act to protect Settlers and to Quiet Land Titles," which it is believed will satisfy the desires of the honest settler, and in its provisions for that purpose, keeps within the Constitution and does not jeopardise and destroy itself. All the tendencies of the Act proposed are in favor of the actual possessor who has acquired his right without force or fraud, and presumptions are not allowed to establish a title against the settler. The time for commencing actions against the actual possessor is very much shortened, and the Limitation Act passed at the last session is repealed.

Your Committee have desired to favor, in every constitutional and honest mode, the actual settler, and have inserted provisions in the Act proposed that will insure compensation for his improvements before he can be dispossessed by any one. The Committee have examined similar statutes in other States and the judicial decisions upon them, and find that the Act they propose is more favorable to the possessor than any they have seen, and grants all to the settler that under those decisions could be given him. An attempt to do more would be futile, and would betray those settlers for whose benefit the Act is urged. We feel the obligations of the country to the settler, who has aided to develop one prominent interest of the State, and have endeavored to frame a law that, while it is just to all parties, shall favor them to the extent of our power.

We recommend the adoption of the substitute, and that action may be taken without delay.

D. N. ASHLEY, Chairman.  
H. P. HEINTZELMAN,  
G. W. HOOK,  
S. BYNUM,  
W. C. BURNETT.

The bills were then taken up, the substitute ordered printed, and both made the special order for Wednesday, 27th inst., at 12 o'clock, M.

The hour for the consideration of the special order having arrived, the Senate took up Senate Bill No. 38, a bill for An Act making Appropriations for the Civil Expenses of the Government of the State, which was read by sections.

On motion of Mr. Burton, all that portion of the bill relating to appropriations for the State Prison, was ordered to be stricken out.

On motion of Mr. Heintzelman, that portion of the bill allowing fifty thousand dollars for the transportation of prisoners, was amended to read "twenty-five thousand dollars."

Mr. Ashley offered the following amendment to the amendment, "Provided, that hereafter Sheriffs shall receive fifty cents per mile for transportation of prisoners to the State Prison."

Which was adopted.

On motion of Mr. Shaw, fifty cents was stricken out, and forty inserted.

Mr. Tilford offered the following amendment to the amendment: "Provided further, that the mileage hereby allowed shall be for going, only."

Upon which the ayes and noes were demanded, by Messrs. Norman, French and Crandall, with the following result:

AYES.

Messrs. Ashley, Burnett, Burton, Coffroth, Day, De la Guerra, Flint, Heintzelman, Hook, Mandeville, McCallum, McNeill, Shaw, Tilford and Waite—15.

NOES.

Messrs. Bynum, Crandall, Dosh, French, Gove, Hawks, Norman, Scellen and Wilson—9.

So the amendment was adopted.

Mr. Dosh offered the following amendment: "Provided, further, that the Counties of Butte, Colusi, Shasta, Trinity, Siskiyou, Calaveras, Amador, Sierra, Tuolumne, Klamath, Plumas and El Dorado, shall be allowed to receive mileage both going and returning."

On the question of adopting the amendment offered by Mr. Dosh, the ayes and noes were demanded by Messrs. Dosh, Mandeville and Heintzelman, with the following result:

AYES.

Messrs. Bynum, Coffroth, Crandall, Dosh, French, Gove, Hawks, McCallum, Norman and Scellen—10.



## NOES.

Messrs. Ashley, Burnett, Burton, De la Guerra, Flint, Heintzelman, Hook, Mandeville, McNeill, Rust, Shaw, Waite and Wilson—13.

So the amendment was rejected.

The question recurring on the motion to concur in the proviso offered by Mr. Ashley, and amended by Mr. Tilford, the ayes and noes were demanded by Messrs. Ashley, Burton and McCallum, with the following result :

## AYES.

Messrs. Ashley, Burnett, Burton, Day, Flint, Hawks, Heintzelman, Hook, Mandeville, McNeill, Rust, Shaw and Tilford—13.

## NOES.

Messrs. Bynum, Crandall, De la Guerra, Dosh, French, Gove, McCallum, Norman, Scellen, Waite and Wilson—11.

So the amendments were concurred in.

The bill was then ordered to be engrossed for a third reading on Monday.

The following message was received from the Assembly :

*Mr. President :*

I am directed to inform the Senate that the Assembly this day passed Assembly Bill No. 89, An Act to release John Van Arnau, of Washington, Yolo County, from any further liability as surety on the official bond of Alex. Chisholm, late County Treasurer of Yolo County.

Respectfully submitted.

J. M. ANDERSON,  
Clerk of Assembly.

The bill was taken up, read a third time and passed.

Mr. De la Guerra offered the following resolution :

*Resolved*, By the Senate, the Assembly concurring, That the Superintendent of Public Instruction be, and he is hereby, instructed, to include in the next apportionment of School Moneys to the County of Santa Barbara, an amount equal to the sum said county would be entitled to under the last apportionment of School Moneys, the same as though the returns from said county had been received within the legal time.



Mr. Ashley moved to amend the resolution as follows: "Provided, such returns are made according to law, before the next apportionment."

The amendment was not agreed to.

The question recurring on the resolution it was adopted.

The following Message was received from the Assembly:

February 15th, 1856.

*Mr. President:*

I am directed to inform the Senate that the Assembly have passed a Joint Resolution in relation to a law relative to Manifests of Vessels.

Also, Assembly Bill No. 26, "An Act amendatory to an Act entitled 'An Act to provide for the Disposal of Lots in the Towns and Villages on the Public Lands in Humboldt County,' passed April 29, 1855;" also,

Bill No. 43, "An Act amendatory of an Act entitled 'An Act to regulate Fees of Office,' approved April 10th, 1855."

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

#### JOINT RESOLUTION.

The following Joint Resolution was then read and referred to the Judiciary Committee:

*Whereas*, it has become a common practice in the Atlantic Ports of the United States, in clearing vessels engaged in the California trade, to manifest a large proportion of their cargoes under the designation of "Merchandise," or some other term equally general and indefinite, designed to conceal the articles composing such cargoes, which practice is highly detrimental to the interest and commerce of this State. Therefore, be it

*Resolved*, By the Senate and Assembly of the State of California, that our Senators and Representatives in Congress be requested to use their endeavors to procure such amendments of the existing revenue laws of the United States as to require that all goods, wares and merchandise, shipped from the Atlantic to the Pacific Ports of the United States, shall be entered or described on the manifest of vessels conveying the same, in such manner as to indicate the quantity and kind of property so shipped.

*Resolved*, That a copy of these resolutions be forwarded without delay to our Senators and Representatives in Congress.

Assembly Bill No. 43, an Act amendatory of an Act entitled "An Act to regulate Fees of Office," approved April 10th, 1855, was read a first and second time and referred to the Committee on Counties and County Boundaries.

Assembly Bill No 26, an Act amendatory to an Act entitled "An Act to provide for the disposal of Lots in the Towns and Villages on the Public Lands in Humboldt County," passed April 27th, 1855, was taken up, read a first and second time and referred to the Judiciary Committee.

Mr. Hawks moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Burton, Ashley and McCallum, with the following result :

## AYES.

Messrs. Coffroth, French, Gove, Hawks, Mandeville, Rust, Scellen, Tilford and Wilson—9.

## NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Crandall, Day, Dosh, Flint, Heintzelman, Hook, McCallum, McNeill, Norman, Shaw and Waite—15.

So the Senate refused to adjourn.

Mr. Burton moved to take from the table Senate Deficiency Bill No. 58, which was agreed to.

Mr. French moved to make the bill the special order for Tuesday next at 12 o'clock, M.

Upon which the ayes and noes were demanded by Messrs. McCallum, Hook and Hawks, with the following result :

## AYES.

Messrs. Bynum, Dosh, French, Hawks, Mandeville, McNeill, Norman, Rust, Scellen, Tilford and Wilson—11.

## NOES.

Messrs. Ashley, Burnett, Burton, Coffroth, Crandall, Day, De la Guerra, Flint, Gove, Heintzelman, Hook, McCallum, Shaw and Waite—14.

So the motion was lost.

Mr. Mandeville moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Burnett, Heintzelman and Burton, with the following result :

## AYES.

Messrs. Bynum, Coffroth, De la Guerra, Dosh, French, Gove, Hawks, Mandeville, Norman, Rust, Scellen, Tilford and Wilson—13.

## NOES.

Messrs. Ashley, Burnett, Burton, Crandall, Day, Flint, Heintzelman, Hook, McCallum, McNeill, Shaw and Waite—12.

So the motion prevailed and the Senate stood adjourned.

## IN SENATE.

MONDAY, February 18th, 1856.

Senate met pursuant to adjournment.

Lieutenant-Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of Saturday read and approved.

Mr. Dosh presented the following remonstrance which was referred to the Committee on Counties and County Boundaries :

*To the honorable the Legislature of the State of California :*

The undersigned, citizens of the County of Colusi, having been informed that a bill to create the County of Tehama, etc., has been or notice given that the same will be introduced for your consideration during the present session. And that said bill proposes to take from this Colusi County a large portion of her present territory, to wit : All lying north of Stony Creek, to contribute toward the formation of the new county. And believing that such alienation of her territory will inflict great wrong and injury upon a large majority of the inhabitants of said County of Colusi, do solemnly protest against the passage of said bill, because it will take from us a large portion of our territory and wealth against the wishes of a majority of the citizens of said county, without giving an equivalent therefor, and will so cripple her resources that an organization cannot be sustained without recourse to oppressive taxation, and imposing upon its few citizens onerous burdens, which are incident to the formation and support of sparsely settled counties.

Colusi County, as at present constituted, is one of the smallest in point of population and wealth in the State ; and although its affairs have hitherto been conducted on principles of the most rigid economy, it is running in debt, and if the change is made as proposed in the bill aforesaid, the county will be without resources or credit, and soon bankrupt.

For these reasons and others equally potent and too numerous to mention here, we remonstrate against the passage of said bill so far as it acts in a division of Colusi County.

J. P. HUNTER,  
A. C. ST. JOHN,  
H. L. MARRYATT,  
And 216 Others.

Mr. French presented the following weekly account of the Senate postage, which was referred to the Committee on Contingent Expenses :

POST OFFICE, SACRAMENTO CITY, }  
February 18th, 1856. }

*Senate of State of California, to Ferris Foreman, Postmaster, Dr.*

Feb. 11, 1856, to Postage on Letters .....	\$3 75
12,       "       " .....	4 50
13,       "       " .....	3 25
14,       "       " .....	3 75
15,       "       " .....	4 25
16,       "       " .....	4 50
Newspapers, 970; Pamphlets and Documents, 1,005.....	25 82
	<hr/> \$68 82

Mr. Ferguson presented the following report, which was referred to the Committee on Contingent Expenses :

*To the honorable the Senate of the State of California :*

The undersigned very respectfully represent to your Honorable Body, that on the 9th day of February, 1855, they furnished the Senate Chamber with the following material and labor, for which they have never been paid, viz :

59 yards Jute Matting .....	\$123 90
Zinc and Copper Rivets for same .....	9 00
Tacks .....	3 00
2½ Days' Work .....	20 00
2 Days' Upholstery Work on the 4th and 5th April.....	20 00
Total.....	<hr/> \$175 90

The undersigned, therefore, respectfully pray your Honorable Body to direct the above claim to be investigated, and if found correct order the same to be paid. And your petitioners will ever pray.

Signed,

RIVETT & CO.

Mr. Heintzelman introduced a bill for an Act to amend an Act entitled "An Act to Suppress Houses of Ill Fame," approved April 2, 1855, which was read a first and second time and referred to the Committee on Public Morals and Police.

Leave being granted, Mr. Norman introduced a bill for an Act to authorize the Board of Supervisors of Calaveras County to pay the current expenses of said county, which was read a first and second time and referred to the Senators from Calaveras.

Leave being granted, Mr. Bynum introduced a bill for an Act to provide for the election or appointment of a Reporter of the decisions of the Supreme Court and for the publication of the same, which was read a first and second times and referred to the Judiciary Committee.



Mr. Ferguson presented the following report :

The Judiciary Committee, to whom was referred Assembly Bill No. 3, have had the same under consideration, and recommend its indefinite postponement.

First. Because the Committee have already recommended the passage of a bill now before the Senate upon the same subject.

Second. Because there is a provision in this bill giving Justices of the Peace jurisdiction on bonds, though the penalty or amount claimed exceed two hundred dollars, and which, in the opinion of the Committee, is clearly unconstitutional.

W. J. FERGUSON,  
Chairman.

The report of the Judiciary Committee was concurred in and the Bill indefinitely postponed.

Substitute for Senate Bill No. 52, an Act to define the term of office of the county officers of Trinity County and legalize their election, was reported back from the Judiciary Committee and laid temporarily upon the table.

On motion of Mr. Shaw, the Senate reconsidered Assembly Bill No. 89, an Act to release John Van Arman, of Washington, Yolo County, from any further liability as surety on the official bond of Alex. Chisholm, late County Treasurer of Yolo County.

Mr. Shaw offered the following amendment to the bill, which was adopted :

Section 2. One-fourth of the liability of the sureties on the official bond, referred to in section first of this Act, is hereby declared satisfied, but nothing in this Act shall be construed so as to operate as a release of the other sureties on said official bond from the obligation to pay the remaining three-fourths of the same.

The bill was then read a third time and passed.

Mr. Scellen presented the following report :

*Mr. President :*

The Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 43, an Act amendatory of an Act entitled "An Act to regulate Fees of Office," approved April 10th, 1855, beg leave to report the same back, and recommend its passage.

JNO. D. SCELLEN,  
Chairman.

After some discussion, on motion the bill was laid upon the table.

On motion of Mr. Shaw, the Hon. Henry A. Crabbe was invited within the bar of the Senate.

The hour for the special order having arrived, the Senate considered as in Committee of the Whole, Senate Bill No. 43, for an Act amendatory and supplementary to an Act entitled "An Act concerning Crimes and Punishments," passed April 16th, 1850.



After some time spent in amending the bill, the Committee rose and reported it back to the Senate with a recommendation to concur in all the amendments made in Committee of the Whole, excepting section fifth, which Mr. Norman moved to strike from the bill.

Upon which the ayes and noes were demanded by Messrs. Burnett, Shaw and McCallum with the following result :

## AYES.

Messrs. Ashley, Bynum, Crandall, Dosh, Hawks, McNeill, Norman, Scellen, Waite and Westmoreland—10.

## NOES.

Messrs. Burnett, Burton, Coffroth, Ferguson, French, Gove, Heintzelman, Hook, Shaw, Tilford and Wilson—13.

So the motion to strike out was lost.

Mr. Burnett gave notice that he would move a reconsideration of the vote just taken, to-morrow.

Mr. Shaw moved to amend section fifth of the Bill by inserting, after the word "traveler," in the third line, the words "actually upon a journey."

Upon which the ayes and noes were demanded by Messrs. McNeill, Mandeville and Heintzelman, with the following result :

## AYES.

Messrs. Burton, Coffroth, French, Gove, Heintzelman, Hook, Mandeville, McCallum, McNeill, Shaw, Tilford and Wilson—12.

## NOES.

Messrs. Ashley, Burnett, Bynum, Crandall, Dosh, Ferguson, Hawks, Norman, Scellen, Waite and Westmoreland—11.

So the amendment was adopted.

Mr. Norman offered the following amendment, to come in at the conclusion of section five :

"But nothing in this Section shall apply to any but permanent residents of incorporated cities."

Mr. Ashley moved to except Monterey.

Mr. Hawks moved to except San Francisco.

Lost.

The question recurring on the amendment of Mr. Norman as amended by Mr. Ashley, it was lost.

Mr. Burnett moved to reconsider the vote by which the section five of the Bill was stricken out.

Upon which the ayes and noes were demanded by Messrs. Burnett, McCallum and Hawks, with the following result :

AYES.

Messrs. Ashley, Burnett, Bynum, Crandall, Dosh, Ferguson, Hawks, McNeill, Norman, Scellen, Tilford, Waite and Westmoreland—13.

NOES.

Messrs. Burton, Coffroth, French, Gove, Heintzelman, Hook, Mandeville, McCallum, Shaw and Wilson—10.

So the vote was reconsidered.

The question recurring upon the motion to strike out the fifth section of the bill, the ayes and noes were demanded by Messrs. Norman, McCallum and Scellen, with the following result :

AYES.

Messrs. Ashley, Burnett, Bynum, Crandall, Dosh, Ferguson, Gove, Hawks, McNeill, Norman, Scellen, Tilford, Waite and Westmoreland—14.

NOES.

Messrs. Burton, Coffroth, French, Heintzelman, Hook, Mandeville, McCallum, Shaw and Wilson—9.

So the motion prevailed and the fifth section of the bill was stricken out.

Mr. Ashley moved to strike out the eleventh section of the bill.

Mr. Ashley subsequently moved to amend the eleventh section of the bill.

The Chair, (Mr. Coffroth,) decided that a motion to amend the section could not be entertained while there was a motion pending to strike it out.

Mr. Ashley appealed from the decision of the Chair.

The question being : " Shall the decision of the Chair stand as the judgment

of the Senate?" it was decided in the negative and the decision of the Chair was overruled.

Mr. Ashley moved to amend the third line of the eleventh section of the bill by inserting the words, "in said verdict," after the word "shall."

Agreed to.

On motion of Mr. Mandeville, the bill was then ordered to be engrossed for a third reading to-morrow.

On motion, the second special order of the day was laid upon the table.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills have examined Assembly Bill No. 38, with Senate amendments, a Bill for an Act making appropriations for the Civil Expenses of the Government of the State, and find the same correctly engrossed.

J. G. McCALLUM,  
Chairman.

The following message was received from the Assembly :

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed Senate Bill No. 37, An Act in relation to the Sureties on the Official Bond of H. K. Swope late Sheriff of Tuolumne County," with amendments thereto, which are therein shown ; also,

Assembly Substitute to Assembly Bill No. 50, An Act to Regulate the Fees of Office of the Public Administrators ; also,

Assembly Bill No. 47, An Act to authorize the issue of a School Land Warrant to Thomas Baker ; and,

Have concurred in Senate amendment to Assembly Bill No. 89, An Act to release John Van Arman of Washington, Yolo County, from any further liability as Surety on the Official Bond of Alexander Chisholm, late County Treasurer of Yolo County.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Senate Bill No. 37, was then taken up and the Assembly amendments concurred in.

Assembly Bill No. 47, An Act to authorize the Issue of a School Land Warrant to Thomas Baker was read a first and second times and referred to the Committee on Claims.

The following message was received from the Assembly :

*Mr. President :*

I am directed to return Senate Bill No. 26, An Act amendatory of an Act entitled "An Act to provide for the Incorporation of Wagon Road Companies ;" passed April 22d, 1853, for the reason that said bill has been sent to the Assembly without any enacting clause.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

On motion, the Senate adjourned.

---

## IN SENATE.

TUESDAY, February 19th, 1856.

Senate met pursuant to adjournment.

Mr. Ashley, President *pro tem.*, in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of yesterday read and approved.

On motion of Mr. French, Mr. Cosby was granted leave of absence for one day.

Mr. Burton presented the following petition, which was referred to the Committee on Counties and County Boundaries :

*To the Honorable Legislature of California, Greeting :*

We, your humble petitioners, pray that an Act now existing, whereby the county line between the Counties of Nevada and Sierra is made to run due east from the mouth of Wolf Creek, be repealed ; or so altered that the said county line shall follow the Middle Yuba to its source, thereby making the Middle Yuba the dividing line between the aforesaid counties. We, your petitioners, believe that great injustice will be done to Nevada County, unless said alteration is

made ; because a due east course from the mouth of Wolf Creek will cut off Eureka, south from Nevada County, entirely, and leave her in Sierra County. To this, we, your humble petitioners, inhabitants of Eureka Township, object ; because our feelings and our interests are all with Nevada County, and with her we would still remain ; moreover, we believe that no injury will be done to Sierra County by granting your humble petitioners their prayer, because we have never been claimed by her ; but, on the other hand, great injustice will be done to Nevada County, by taking from her that which she has always claimed, and which of a right should belong to her, thereby diminishing her treasury and otherwise materially injuring her.

Therefore, we, your humble petitioners, pray that your Honorable Body will grant us our petition.

W. E. ALLEN,  
CHAS. BANE,  
C. W. WORSTER,

EUREKA TOWNSHIP, Feb. 19, 1856.

And 105 others.

Mr. Crandall presented the following petitions, which were referred to the Committee on Public Roads and Police :

*To the Honorable the Senate and Assembly of the State of California :*

We, the undersigned, residents of the Towns of Ione and Drytown and vicinity, County of Amador, and State of California, most respectfully petition your Honorable Bodies for the enactment of a law prohibiting the manufacture and sale of all kinds of produce and merchandise on Sunday, and for the better observance of this sacred day ; and that this our petition may be granted, we earnestly pray, etc.

[Signed by 31 Ladies and 17 Gentlemen.]

IONE CITY, February 14th, 1856.

Mr. Tilford presented the following petition, which was referred to the Judiciary Committee :

SAN FRANCISCO, February 2d, 1856.

*To the Honorable the Governor the Senate and Assembly of California :*

GENTLEMEN : We, the undersigned, merchants, importers and dealers in foreign and domestic wines and liquors, in San Francisco, respectfully ask of you the repeal of the present Act, entitled "An Act to provide for the Appointment of a Gauger for the Port of San Francisco," passed May 3d, 1852.

We urge the repeal of this Act upon the compulsory features of it. We consider it an unnecessary and a burdensome tax, detrimental to our interests, and the mercantile community, inasmuch as all wines, liquors, oils, etc., of foreign manufacture, are compelled to be gauged, by the Revenue laws for Assessing duties, and being compelled by the present law of the State to regauge them, is imposing upon us an obligation no other State Legislature in the Union has yet deemed a constitutional right to enforce. We wish to have it optional with us whether we employ a Gauger or not, and shall present to your Honorable Body "the wants and wishes of the mercantile community."

And your petitioners will ever pray.

Signed,

J. DOWS & CO.,

And 35 others.



Mr. Coffroth presented the account of Mr. Doherty, which was referred to the Committee on Contingent Expenses.

Mr. Coffroth presented the following petition, which was referred to the Judiciary Committee :

TUOLUMNE COUNTY, January 31st, 1856.

*To the Hon. the Senate and Assembly of the State of California :*

The undersigned would respectfully represent that they are citizens of the United States, and now residents of the County of Tuolumne, in the State aforesaid, and do hereby and herein apply to your Honorable Bodies for such relief as you in your wisdom may or can consistently grant. And in order that our case may come before you in its true light, your petitioners would state what is a matter of record, and well known, viz : that at the general election of 1853, one Thomas C. Brunton was at said election returned as the person elected to the office of Public Administrator of our county, and did immediately thereafter proceed and qualify, by filing a bond, in conformity with law, in the Clerk's Office of the county. Your petitioners would also represent that they signed Thomas C. Brunton's official bond or bonds, as sureties for his faithful performance of the duties appertaining thereto, and are of opinion that he did, to the best of his knowledge and abilities, and faithfully perform the charge incumbent upon him as such officer. But your petitioners have good reason to believe that by an occurrence over which said Thomas C. Brunton had no control, viz : a midnight entry and robbery, committed on or about the night of the 29th of June last, in the family residence of the said Thomas C. Brunton, at which some twelve thousand dollars was stolen, near six thousand of which was held by the aforesaid Brunton as funds belonging to him only in his official capacity ; and therefore ask relief at your hands, upon the grounds that in signing said bond or bonds, they only became sureties for the faithful performance of certain specified duties upon the part of the Public Administrator, which duties he did perform, to the satisfaction not only of the public, but of his bondsmen, who feel that in law, equity and reason, they should not be held liable for the result of an affair that was not, and is not, contemplated by the law to be within the requisition enjoined by an official bond. Your petitioners believe that Thomas C. Brunton kept his funds in a safe, or safer place than any for deposit at that time in his section of the county, and that he used all due diligence, care and precaution, as controller of such funds. It is well known that he had a good iron safe, and for several years has had large amounts of money deposited with him for safe-keeping, and in no instance has that trust been in the slightest degree violated. And in view of the fact that said Thomas C. Brunton did, by the aforesaid robbery, lose a large amount of his own individual funds, thereby rendering him unable to make up the official money for which himself and sureties are held responsible, your petitioners ask that, by a Special Act of the Legislature, the sureties on said official bond or bonds, be released from their liabilities, or have such other relief as in your wisdom may be consistent with your sense of duty.

And your petitioners will ever pray, etc.

LANCY JONES DORD,  
LORENZO THOMPSON,  
(Left the county.)  
WM. DONOVAN,

G. W. JENKINS,  
JOHN VEREIN,  
ABRAHAM PARKER,  
WM. DUNPLEY.

Leave being granted, Mr. Norman introduced a bill for an Act to amend the fourteenth section of an Act entitled "An Act concerning the Office of County Treasurer," passed March 27th, 1850, which was read a first and second times, and referred to the Judiciary Committee.

Mr. Tilford presented a bill for an Act to amend "An Act to regulate Proceedings in Civil Cases in Courts of Justice of this State," which was read a first and second times and referred to the Judiciary Committee.

According to previous notice, Mr. Coffroth introduced a bill for an Act amendatory of, and supplementary to, an Act entitled "An Act to amend an Act entitled an Act amendatory of, and supplementary to, an Act concerning the Courts of Justice of this State and Judicial Officers," passed May 15th, 1854, approved April 16th, 1855, which was read a first and second times, and referred to the Senators from the Fifth Judicial District.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee, to whom was referred Senate Bill No. 54, entitled An Act for the payment of Salaries of District Judges throughout the State, have considered the same, and beg leave to report the same back to the Senate, and recommend its indefinite postponement.

W. J. FERGUSON,  
Chairman.

The bill was referred to its proper place on the Calendar.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee, to whom was referred Assembly Joint Resolution No. 1, requesting our Senators and Representatives in Congress to use their endeavors to procure certain amendments to the existing Revenue laws of the United States, have considered the same, and beg leave to report the same back to the Senate and recommend its passage.

W. J. FERGUSON,  
Chairman.

On the question of concurring in the recommendation of the Committee, the ayes and noes were demanded by Messrs. Hawks, Burton and Westmoreland, with the following result :

AYES.

Messrs. Bynum, Coffroth, De la Guerra, Dosh, Ferguson, Gove, Hawks, Hawthorne, Lippincott, Mandeville, McCallum, McCoun, McNeill, Norman, Rust, Shaw, Tilford and Westmoreland—18.

NOES.

Messrs. Ashley, Burnett, Burton, Day, Fiske, Flint, French, Heintzelman, Hook, Scellen, Waite and Wilson—12.

So the resolution was concurred in.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee, to whom was referred Senate Bill No. 65, entitled A Bill for an Act to amend an Act entitled "An Act defining the Time for Commencing Civil Actions and to Extend the Time for Commencing the Same," have had the same under consideration, and beg leave to report the same back for further consideration of the Senate, and recommend that the bill be printed.

W. J. FERGUSON,  
Chairman.

On motion, the bill was ordered to be printed.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee, to whom was referred Senate Bill No. 61, entitled An Act to amend "An Act concerning Divorces," passed March 25th, 1851, have had the same under consideration, and beg leave to report the same back to the Senate and recommend its indefinite postponement.

W. J. FERGUSON,  
Chairman.

The bill was placed in order on the Calendar.

Mr. Hook presented the following report :

*Mr. President :*

Your Committee on Roads and Highways have had under consideration Assembly Bill No. 21, to amend the Act concerning the formation of Plank and Turnpike Road Companies, and beg leave to report it back with amendments and recommend its passage as amended.

HOOK.

The bill went to its place on the Calendar.

Mr. Coffroth presented the following report :

*Mr. President :*

The Committee on Corporations, to whom was referred An Act to incorporate the Town of Eureka, have had the same under consideration and recommend its passage with amendments.

J. W. COFFROTH,  
Chairman.

The bill was taken up, amended by striking out the seventh section and passed.

Mr. Norman presented the following report :

*Mr. President :*

The Committee to whom was referred the Act to authorize the Board of Supervisors of Calaveras County to defray the Current Expenses of said County, have had the same under consideration and ask leave to report it back to the Senate and recommend its passage.

W. B. NORMAN.

The bill was taken up, read a third time and passed.

Mr. Tilford offered the following report :

*Mr. President :*

Your Committee on Enrollment have examined An Act in relation to the Sureties on the Official Bond of Henry K. Swope, late Sheriff of Tuolumne County, and find it correctly enrolled.

TILFORD.

The following message was received from the Assembly :

*Mr. President :*

I am directed to inform the Senate that the Assembly have concurred in Senate Concurrent Resolutions in relation to Lieuts. Fabins and Stanley.

Respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

The following communication was read to the Senate :

HON. R. M. ANDERSON,

*Lieut. Governor, State of California :*

SIR:—I am instructed by the Board of Directors of the Sacramento Valley Railroad Company to request the pleasure of your company and members and officers of the Senate at the opening of the Sacramento Valley Railroad on Friday 22d inst.

Very Respectfully,

H. R. PAYSON,

Sec. S. V. R. R. CO.

SAN FRANCISCO, February 18th, 1856.

Mr. Coffroth presented the following report :

*Mr. President :*

The Committee on Finance, to whom was referred An Act amendatory of an Act to provide Revenue for the support of the Government of this State,



respectfully report it back with amendments, to which they ask the concurrence of the Senate.

J. W. COFFROTH,  
Of the Committee.

The bill was placed in order on the Calendar.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills have examined Senate Bill No. 43, An Act amendatory of and supplementary to "An Act concerning Crimes and Punishments," passed April 16th, 1850, and find the same correctly engrossed.

McCALLUM,  
Chairman.

On motion, the Senate took up Senate Bill No. 42, concerning Crimes and Punishments.

Mr. French moved to amend the second section of the bill by striking out all after the word "death."

Upon which the ayes and noes were demanded by Messrs. French, Hawks and Burnett, with the following result :

AYES.

Messrs. French and Norman—2.

NOES.

Messrs. Ashley, Burton, Coffroth, Crandall, Day, De La Guerra, Dosh, Fiske, Flint, Gove, Hawks, Hawthorne, Heintzelman, Hook, Lippincott, Mandeville, McCallum, McCoun, McNeill, Rust, Seellen, Shaw, Tilford, Waite and Wilson—28.

So the Senate refused to strike out.

On motion of Mr. Hawks, the bill was considered engrossed, read a third time and passed.

On motion of Mr. Mandeville, Senate Bill No. 43, amendatory of the Act concerning Crimes and Punishments, was read a third time and passed.

Assembly Substitute for Senate Bill No. 50, was read a first time and placed on the Calendar.

Assembly Bill No. 64, was placed in position on the Calendar.

Mr. Day offered a Substitute to Assembly Bill No. 43, An Act regulating the Fees of Office.

On the question of adopting the Substitute, the ayes and noes were demanded by Messrs. Ashley, Burnett and Mandeville, with the following result :



## AYES.

Messrs. Ashley, Burnett, Burton, Day, De La Guerra, Dosh, Ferguson, Fiske, Flint, Hawks, Lippincott, McCallum, McCoun, Waite and Wilson—15.

## NOES.

Messrs. Coffroth, Crandall, French, Gove, Heintzelman, Hook, Mandeville, McNeill, Norman and Seellen—10.

So the Substitute was adopted.

Pending the consideration of the Substitute in Committee of the Whole, on motion of Mr. Crandall, the Senate adjourned.

---

IN SENATE.

WEDNESDAY, February 20th, 1856.

Senate met pursuant to adjournment.

Lieutenant-Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of yesterday read and approved.

Mr. Mandeville presented a remonstrance, numerous signed, from miners and other citizens of San Joaquin and Stanislaus Counties, against granting the privilege of damming the waters of the Stanislaus River, which was read and referred to the Committee on Corporations.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills have examined Senate Bill No. 42, an Act to amend an Act entitled "An Act concerning Crimes and Punishments," passed April 16th, 1850, and find the same correctly engrossed.

J. G. McCALLUM,  
Chairman.

Mr. Scellen presented the following report :

*Mr. President :*

The Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 34, an Act entitled an Act to change and fix the County Seat of Butte County, would beg leave to report the same back for the consideration of the Senate.

JNO. D. SCELLEN,  
Chairman.

The bill was placed on the Calendar.

On motion of Mr. Mandeville, Assembly Bill No. 38, a bill for an Act making appropriations for the civil expenses of the State, was taken up.

Mr. French moved that the vote by which the bill was ordered to be engrossed be reconsidered, which was agreed to.

Mr. French moved to strike out the two provisos in section one, relating to the transportation of prisoners to the State Prison.

Upon which the ayes and noes were demanded Messrs. French, Ashley and Mandeville, with the following result :

AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Crandall, Day, Dosh, Ferguson, Fiske, French, Gove, Hawthorne, Hook, Lippincott, McCallum, Norman, Rust, Scellen, Waite and Wilson—22.

NOES.

Messrs. Flint, Heintzelman, Mandeville, McNeill, Shaw and Tilford—6.

So the motion prevailed, and the proviso was stricken out.

Mr. Ashley offered the following amendment, which was adopted : " Provided that hereafter Sheriffs shall receive sixty cents per mile for one way only, and no more, for taking prisoners to the State Prison."

Mr. Shaw moved to amend the amendment of Mr. Ashley, by striking out the word "sixty" and inserting the word "fifty."

Upon which the ayes and noes were demanded by Messrs. Flint, Shaw and French, with the following result :

AYES.

Messrs. Burnett, Burton, Coffroth, Day, Flint, Heintzelman, Hook, Mandeville, McCallum, McNeill, Shaw, Tilford, Waite and Wilson—14.

## NOES.

Messrs. Ashley, Bynum, Cosby, Crandall, Dosh, Ferguson, Fiske, French, Gove, Hawthorne, Lippincott, McGee, Norman, Rust and Scellen—15.

So the motion was lost.

Mr. Flint moved to strike out the word "sixty" and insert the word "fifty-five."

Mr. French called for a division of the question.

The question recurring on the motion to strike out, it was lost.

On motion, the section was then adopted.

Mr. Burton offered the following amendment (No. 2), which was agreed to :

"For stationery, fuel, lights, etc., for Legislature, fifteen thousand dollars."

Mr. Shaw offered the following amendment :

"Provided, also, that whenever more than one prisoner be taken at the same time, not more than thirty cents per mile shall be allowed for each additional prisoner."

Mr. Norman moved to amend the amendment as follows :

"And all further expenses incurred shall be paid out of the private purse of the Sheriff."

The amendment to the amendment was lost.

The question recurring on the motion offered by Mr. Shaw, the ayes and noes were demanded by Messrs. Heintzelman, Scellen and Hawthorne, with the following result :

## AYES.

Messrs. Ashley, Burnett, Burton, Day, Flint, Gove, Heintzelman, Hook, Lippincott, Mandeville, McCallum, McNeill, Shaw, Tilford, Waite and Wilson—16.

## NOES.

Messrs. Bynum, Coffroth, Cosby, Crandall, Dosh, Ferguson, Fiske, French, Hawks, Hawthorne, McGee, Norman and Scellen—13.

So the amendment was adopted.

Mr. Coffroth offered the following amendment :

"For rent of offices of the Attorney-General and Surveyor-General, one thousand dollars each."

Upon which the ayes and noes were demanded by Messrs. Coffroth, French and Tilford, with the following result :

AYES.

Messrs. Coffroth, Day, De la Guerra, Ferguson, Mandeville, McCoun and Rust—7.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Crandall, Fiske, Flint, French, Gove, Hawks, Hawthorne, Heintzelman, Hook, McCallum, McGee, McNeill, Scellen, Shaw, Tilford, Waite and Wilson—22.

So the amendment was rejected.

Mr. Mandeville offered the following amendment :

"For rent of the office of Superintendent of Public Instruction, twelve hundred dollars."

Mr. Ashley offered the following proviso to the amendment :

"Provided, the offices of all State officers shall be kept at the Capitol of the State."

The amendment as amended was disagreed to.

Burton offered the following amendment, which was adopted :

"For contingents of State Library, one thousand dollars."

Mr. Cosby offered the following amendment, which was lost :

"For the rent of the office of the Quartermaster-General, one thousand dollars."

Mr. Fiske moved to strike out the word "fifty," as relates to the appropriation for the Insane Asylum, and insert "sixty," which was agreed to.

Mr. Ashley offered the following amendment, which was lost :

"For copying laws and journals in the office of the Secretary of State and making index and marginal notes, three thousand dollars."

Mr. Ashley moved to strike out the word "forty," as relates to the mileage and pay of Lieutenant-Governor and Senators, and insert the word "fifty," which was agreed to.

Mr. Ashley moved to amend the succeeding clause of the bill relative to the mileage and pay of members of the Assembly, by striking out the word "ninety" and inserting the words "one hundred and ten," which was agreed to.

Mr. Burton called for the reading of the bill as amended.

Mr. French raised the point of order, that the bill reported from the Assembly was the only one under consideration, and that the Senate engrossed bill with the amendments, being read by the Secretary, was out of order.

The Chair, Mr. McCallum, decided that the point of order was not well taken.

Mr. French appealed from the decision of the Chair.

And the question being, "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded by Messrs. French, Hook and McCoun, with the following result :

AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Crandall, Day, Ferguson, Fiske, Flint, Gove, Hawks, Heintzelman, Mandeville, McCoun, McNeill, Rust, Scellen, Shaw, Tilford and Waite—22.

NOES.

Mr. French—1.

So the decision of the Chair was sustained.

On motion of Mr. Burton, the amendments were ordered to be engrossed.

On motion of Mr. Tilford, Mr. Coffroth was added to the Special Committee to investigate the particulars of the State Land Sales.

Leave being granted, Mr. Heintzelman introduced a bill for an Act extending the time for presentation and allowance of claims against the estate of S. A. Booke, deceased, in the County of Sonoma, which was read a first and second times, and referred to Mr. Heintzelman.

Leave being granted, Mr. Rust introduced a bill for an Act to amend an Act entitled "An Act to regulate Proceedings in Criminal Cases," passed May 1st, 1851, which was read a first and second times, and referred to the Judiciary Committee.

Leave being granted, Mr. Hawks introduced a bill for an Act to regulate and define the duties of auctioneers in this State, which was read a first and second times and referred to the Judiciary Committee.

On motion of Mr. Cosby, the Senate took up Assembly Bill No. 52, an Act to define the term of office of the county officers of Trinity County and legalize their election.



The bill was considered and amended as in Committee of the Whole.

Mr. Burton moved that the bill be engrossed for a third reading to-morrow.

Upon which the ayes and noes were demanded by Messrs. Shaw, Mandeville and Burton, with the following result :

AYES.

Messrs. Burton, Bynum, Coffroth, Cosby, De la Guerra, Ferguson, Fiske, French, Hawks, Hawthorne, McCoun, McNeill, Norman, Rust, Tilford and Wilson—16.

NOES.

Messrs. Burnett, Crandall, Flint, Hook, Lippincott, Mandeville and Waite—7.

So the motion prevailed.

Mr. Ferguson moved to reconsider the vote just taken, which was agreed to.

On motion of Mr. Ferguson, the substitute to the bill reported by the Judiciary Committee, was made the special order for to-morrow, at 12 o'clock M.

On motion of Mr. McCoun, the Deficiency Bill was taken up.

On motion of Mr. Shaw, the bill was made the special order for to-morrow at 11½ o'clock A. M.

Mr. Tilford moved to adjourn, which was lost.

The following message was received from the Assembly :

*Mr. President :*

I am directed to inform the Senate, that the Assembly have passed Assembly Bill No. 31, "An Act dividing the State into Counties and establishing the Seats of Justice therein," passed April 25th, 1851.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

The bill was read a first and second times, and referred to the Committee on Counties and County Boundaries.

On motion of Mr. Coffroth, the Senate adjourned.

## IN SENATE.

THURSDAY, February 21st, 1856.

Senate met pursuant to adjournment.

Lieutenant-Governor in the Chair.

Prayer by Rev. Mr. Pratt.

The Secretary was proceeding to read the journal of yesterday, when,

Mr. French interposed, and asked that it might be so corrected as to embrace a point of order which he had offered, in the following words :

“The Secretary was proceeding to read the engrossed bill, when Mr. French raised the point of order that the bill to be read is the House Bill, as amended by the Senate,—not the engrossed bill.”

On the question of amending the journal as proposed by Mr. French, the ayes and noes were demanded by Messrs. Hook, French and Burnett, with the following result :

AYES.

Messrs. Coffroth, Crandall, Flint, French, Gove, Hook, Mandeville, McNeill, Tilford and Wilson—10.

NOES.

Messrs. Burnett, Burton, Bynum, Cosby, Hawthorne, Lippincott, McCoun, Shaw and Waite—9.

So the motion prevailed, and the journal was so amended.

Mr. Lippincott moved to strike from the journal of yesterday everything relating to the point of order that had been raised.

Mr. Tilford moved to reconsider the vote just taken on amending the journal, upon which the ayes and noes were demanded by Messrs. French, Gove and Lippincott, with the following result :

AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Ferguson, Gove, Lippincott, McCoun, McGee, Rust, Shaw, Tilford and Waite—14.

NOES.

Messrs. Coffroth, Crandall, Flint, French, Hook, Mandeville, McNeill and Wilson—8.

So the motion prevailed, and the vote was reconsidered.

The question recurring on the adoption of the amendment to the journal proposed by Mr. French, the ayes and noes were demanded by Messrs. French, Gove and McCoun, with the following result :

## AYES.

Messrs. Coffroth, Crandall, Flint, French, Gove, Hook, Mandeville and McNeill—8.

## NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Ferguson, Fiske, Hawthorne, Lippincott, McCoun, McGee, Rust, Shaw, Tilford, Waite and Wilson—16.

So the proposed amendment was rejected.

The journal was then approved as read.

Leave being granted, Mr. Ferguson introduced a bill for An Act concerning Fines and Forfeitures, imposed and collected in the Recorder's Court of the City of Sacramento, and the Custody of Persons Convicted therein, which was read a first time, and objection being made, laid over under the rule.

Leave being granted, Mr. Ferguson introduced a bill for An Act for the Relief of the Mayor and Common Council of the City of Sacramento, which was read a first time, and objection being made, laid over under the rule.

Mr. Cosby gave notice that on Monday next he would introduce a bill to amend an Act entitled "An Act to Apportion the Senatorial and Assembly Districts of this State," passed May 18th, 1853, and to create two additional Senatorial Districts.

Mr. McGee introduced the following report from the State Prison Committee, which was referred to the State Prison Committee, and one thousand copies ordered printed :

*Mr. President :*

The Joint Committee, to whom was referred all matters connected with the State Prison, have, in compliance with a resolution passed by both Houses, visited the State Prison at Point San Quentin, and after closely examining and fully investigating the affairs and condition of the said institution, have agreed on the following Report, and beg leave to submit the same for your consideration.

Fully impressed with the importance of their mission, and the responsibility they incurred in the discharge of their duty to the State and to individuals, have availed themselves of every source of information and of every facility within their power, for the purpose of gaining possession of each and every fact in relation thereto.

And for the purpose of arriving at correct conclusions, have conducted their investigations with justice and impartiality, with a single view to elicit the whole truth in regard to its past and present condition, hoping that the result of the labors of your Committee might dictate a more wise, judicious and economical administration in the condition and government of said institution.

The first thing that arrested the attention of your Committee was the heavy expenditures made by the State Prison Directors since the State has taken possession of the State Prison.

Your Committee find that in seven months, to wit—from the 1st day of June, 1855, to the 1st day of January, 1856—there have been created obligations or claims against the State to the amount of \$388,278 91.

Your Committee have made an accurate measurement of the wall around the State Prison at San Quentin, and find the stone wall to contain 135,304 feet, as shown by the accompanying items and calculations. And the brick wall to contain 1,309,605 bricks.

Your Committee find the amount of wall built greatly to exceed the limits specified by the law authorizing its construction, and after the closest examination are unable to find any good reasons to justify a direct or even incidental departure from the letter of the law. The accompanying plan, showing the lengths of the several walls, also exhibits the utter disregard of symmetry as well as the gross violation of the law itself.

While your Committee is disposed to overlook trivial objections and excuse unimportant departures, yet so great a disregard for the appearance of the grounds as well as the neglect of the interests of the State as this plan exhibits, cannot be permitted to pass without receiving our unqualified disapprobation. Reference being had to the plan, it will appear that the inclosure is one hundred feet out of square, the south wall being one hundred feet longer than the west wall, thus forming an acute angle on the south-west, and an obtuse angle on the north-west corners; in addition to which, the wall on the south departs from a direct line, running from one extreme to another about three feet; the north wall is objectionable for the same reasons, though the departure is not so great.

Your Committee, on examining the walls, found them built without that regard to strength and solidity that the law prescribes, and that the greater portion of the sand used for mixing the mortar, with which the stone wall is built, was procured from the beach in the immediate vicinity of the prison, and was completely saturated with salt water and unfit to be used in the construction of the walls, as the well known properties of salt tending to moisten everything with which it comes in contact, should have induced the Directors to exclude its use.

Your Committee caused holes to be broken in the walls in several places, and found the mortar still green and moist, and think it extremely doubtful whether it will ever become firmly set.

Your Committee cannot too strongly reprehend the action of the Directors in entering into a contract without first having advertised for proposals and awarding the contract to the lowest responsible bidder, although the law does not require them to do so. The fact that so important a provision was omitted is conclusive evidence, in the minds of your Committee, that the wall was to be constructed by convict labor. Section eight of the Act to provide for the government of the State Prison is as follows:

“The Board of Directors shall, as soon as practicable, after taking charge of the Prison, cause to be commenced and diligently prosecuted until finished, the erection of a wall around the Prison House at San Quentin Point, of the following dimensions and descriptions: The wall to inclose a square of 500 feet on each side, to be four feet thick at the base, twenty feet high, and two feet thick



at the top, and surmounted with a flat stone coping, six inches thick and three feet broad on top; the lower half of the wall ten feet high, to be built of rough marble stone, set in cement, and the upper half of brick set in mortar; the top of the wall shall be level, and the base shall be extended downward to accommodate the inequalities of the natural surface of the bed rock. There shall be a small guard tower erected at each corner of the wall; one large iron gate shall be made for entrance into the Prison yard; the stone and brick shall be furnished by the prisoners; and, as far as practicable, the prisoners shall be employed in laying up said wall."

Had the plain provisions of the law been complied with, the amount of stone work would not have exceeded 110,000 cubic feet, nor would the amount of brick have exceeded 1,250,000; 40,000 feet of stone work would have been laid below the surface, which should have been done by convict labor, and with the aid of a few competent masons the convicts could have erected the entire wall.

The laws require the stone work to be laid in cement, but upon examination we found lime and sand to be the materials principally used, cement only being used to point the outside. The base of said wall is much thicker than the law requires.

By reference to the measurement herewith transmitted, it will be seen that the south wall is 593 feet long, being 93 feet longer than the law authorizes or requires.

Your Committee are of the opinion that the Directors were not vested with discretionary powers in the erection of the wall, but are of the opinion they were bound to comply strictly with the law.

## ESTIMATE

*Of the Cubic Feet of Work in the Wall of the Penitentiary at Point San Quentin.*

### BRICK WORK.

#### NORTH WALL.

Length.	Hight.	Thickness.	Cubic feet.
202·06	12·10	2·09	7,146·56
42·00	11·06	2·08	1,288·00
22·00	10·00	2·07	568·33
70·00	9·10	2·07	1,778·20
70·00	9·10	2·07	1,778·20
109·03	9·03	2·06	2,526·40
Total in North Wall.....			15,085·69

#### EAST WALL.

Length.	Hight.	Thickness.	Cubic feet.
497·00	10·00	27·00	12,839·25
At East Gate— 10·08	10·00	37·00	382·22
Total in East Wall.....			13,221·47



## SOUTH WALL.

Length.	Height.	Thickness.	Cubic feet.
224'04	9'06	2'06	5,327'91
86'02	10'00	2'07	2,226'00
8'00	14'07	2'10	330'58
22'00	13'02	2'09	796'58
252'10	13'01	2'09	9,096'67

Total in South Wall..... 17,777'74

## WEST WALL.

Length.	Height.	Thickness.	Cubic feet.
493'03	12'00	2'09	16,277'25

Total in West Wall..... 16,277'25

## SUMMARY OF BRICK WORK.

	Cubic feet.
North Wall.....	15,085'69
East ".....	13,221'47
South ".....	17,777'74
West ".....	16,277'25
Total Brick Work, cubic feet .....	62,362'15

Estimating 21 bricks to the cubic foot, the number of bricks in the Wall will be 1,309,605.

## STONE WORK.

## NORTH WALL.

Length.	Height.	Thickness.	Cubic feet.
42'06	17'02	4'08	3,404'70
50'00	16'07	4'08	3,869'44
64'00	16'03	4'07	4,766'67
64'00	16'03	4'07	4,766'67
53'00	21'01	4'10	5,401'26
96'00	20'05	4'06	8,820'00
50'00	12'00	3'11	2,350'00
40'00	9'05	3'09	1,412'50
56'03	9'01	3'07	1,916'00

Total in North Wall ..... 36,707'24

## EAST WALL.

Length.	Hight.	Thickness.	Cubic feet.
30'00	9'01	3'10	1,044'55
50'00	9'06	3'10	1,820'83
50'00	9'09	3'10	1,868'75
33'00	12'05	4'00	1,639'00
100'00	13'06	4'01	5,512'50
50'00	11'02	3'11	2,186'80
50'00	9'08	3'10	1,852'78
50'00	10'09	3'11	2,105'21
50'00	15'00	4'03	3,187'50
34'00	22'11	4'09	3,701'04

Total in East Wall..... 24,918'96

## SOUTH WALL.

Length.	Hight.	Thickness.	Cubic feet.
38'00	22'04	4'08	3,960'45
37'00	13'02	4'00	1,948'67
100'00	9'00	3'09	3,375'00
50'00	9'03	3'09	1,734'38
37'04	10'07	3'11	1,547'52
50'00	15'11	4'04	3,448'61
52'00	16'06	4'09	4,075'50
54'00	13'00	4'05	3,100'50
130'00	13'09	4'05	7,894'80
45'00	13'03	4'05	2,633'44

Total in South Wall ..... 33,718'87

## WEST WALL.

Length.	Hight.	Thickness.	Cubic feet.
37'03	11'03	4'03	1,781'02
100'00	14'03	4'05	6,923'13
150'00	18'04	4'08	12,833'33
46'00	18'01	4'08	3,881'89
50'00	19'06	4'10	4,712'50
100'00	20'04	4'10	9,827'78

Total in West Wall..... 39,959'65

## SUMMARY OF STONE WORK.

		Cubic feet.
North	Wall.....	36,707'24
East	" .....	24,918'96
South	" .....	33,718'87
West	" .....	39,959'65

Total Cubic Feet of Stone Work..... 135,304'72

Length of Coping, 3 feet wide on top—

	Cubic Feet.
North Wall, feet.....	519.04
East       ".....	510.00
South      ".....	596.04
West       ".....	496.06

Total length of Coping..... 2,112.02

WM. I. LEWIS,  
Civil Engineer.

SAN FRANCISCO, February 6th, 1856.

While your Committee is fully sensible that many reasons might be adduced, and go far to justify the Directors in increasing the thickness of the walls at its base, a strict regard to the rights of the State imperatively demands that every officer should comply with the provisions of the law under which he acts. To the dangerous precedents and vitiated system so long practiced on our State, in the non-enforcement of the law, is to be attributed mainly the embarrassments under which we are at present laboring.

The work of reform should commence, if we wish the honor of the State sustained. The people are already overburdened with taxation, and your Committee are unwilling to acknowledge a debt unauthorized by law.

In justice, however, to the late Board of Directors, your Committee deem it proper to present the reasons given by Major Love in justification for the digression from the law. He states that lime was used in preference to cement, on account of the superior cementing qualities of lime, one barrel of which he considers equal to two barrels of cement. The wall was extended to prevent filling up a well. The extra thickness was necessary to secure its safety. He also states that the Contractor gained nothing by the changes. With due respect for the judgment and opinion of the Directors, your Committee are of the opinion that the reverse of Major Love's statement is true, believing that cement is infinitely superior to lime in the construction of walls of such character, particularly when the sand used had been overflowed by salt water. Your Committee also think that the wall, as specified by the law, would have been sufficiently thick had cement been used in its construction, and cannot but believe that the contractors profited largely by the changes. The well mentioned by Major Love could not be found by your Committee, though diligent search was instituted for it.

In order that the discrepancy in the several measurements may be more clearly understood and fully comprehended, your Committee deem it advisable to present the following summary :

Cubic feet of stone work certified to by Major Love.....	204,585
Cubic feet of stone work ascertained by measurement of your Committee .....	135,304
Difference in cubic feet.....	69,181
Brick wall, amount certified to by Major Love .....	1,374,296
Amount ascertained by your Committee from measurement .....	1,309,605
Difference .....	64,691

Amount of cubic feet of stone work necessary to complete the wall as required by the law, 110,000 feet.

Excess of wall, as certified to by Major Love, 94,485 feet, which at 40 cents per foot, the price contracted for, amounts to \$37,790.

Amount of brick required by the law, 1,250,000.

Excess of brick, as certified to by Major Love, 121,796, which, at \$15 per thousand, amounts to \$1,816 94; added to the excess in stone work, makes \$39,606 94. Your Committee will state that Major Love's estimate of the brick work was made at twenty-two bricks to the cubic foot, and the estimate of your Committee at twenty-one bricks to the cubic foot; the latter estimate being, in the opinion of your Committee, the proper estimate.

Your Committee was unable to discover upon what data Major Love based his calculations which produced the enormous excess above shown; there are no measurements except those taken by your Committee, that have been considered as reliable or correct.

Your Committee further state, that they have made a careful and rigid examination respecting the state and condition of the title to the State Prison grounds claimed by the State, upon which is situated the State Prison wall, and other buildings and improvements appertaining thereto, and find that the tract of land of which the Prison grounds form a part, was originally granted by the Mexican Government to John B. R. Cooper, such tract being known by the name of Corto Madera Pinto de San Quentin Segante, containing two leagues, more or less, which grant has been adjudicated and confirmed by the Commissioners appointed by the United States Government to adjudicate and settle Mexican grants in the State of California.

Your Committee further find recorded in the Recorder's Office of Marin County, in which is situate the State Prison and Prison grounds, a deed of conveyance from J. B. R. Cooper, the original grantee, and his wife and daughter, to Benjamin R. Buckelew, conveying to said Buckelew the whole of the two leagues of land above referred to, the consideration named in said deed being fifty thousand dollars, which conveyance appears to have been fully acknowledged by the grantor before the Recorder of Monterey County, and which was dated 25th October, 1850, and acknowledged 25th of October, 1850, and recorded in Book of Deeds A, page 15, of Marin County, in Book of Mortgages A, page 2, and following a deed of mortgage executed by Benjamin R. Buckelew to John B. R. Cooper, of the whole of the grant or tract of land above referred to, to secure a debt due said Cooper from said Buckelew, of \$32,500, which mortgage is dated 2d November, 1850, and was duly acknowledged by the mortgagor on the day of its execution, and was recorded in said Book of Mortgages on the 25th day of November, 1850, and that no evidence of the satisfaction or discharge of said mortgage appears on record in the Recorder's Office of Marin County; yet, from information coming to the knowledge of your Committee, derived from testimony of reliable witnesses, examined on oath, your Committee are inclined to the belief that the debt, to secure which said mortgage was executed, has been paid off and satisfied in full, but that satisfaction and discharge of said mortgage has, through negligence or otherwise, been omitted to be entered in said Recorder's Office according to law.

Your Committee further find, recorded in the Recorder's Office of Marin County, a deed of conveyance from B. R. Buckelew to the Governor of the State of California for twenty acres of land, being a part or parcel of the Mexican grant of the two leagues of land above referred to; such deed dated 9th of July, 1852, duly acknowledged by the grantor before a Notary Public on the day of its date, consideration named \$10,000, recorded in Book A of Deeds, page 143, and following. By this deed, Buckelew covenants on his part to build a wharf connecting with a ship-channel, to a depth of sixteen feet of water, to be used by the State of California, for all purposes connected with the



State Prison grounds, free of charge, forever ; and by which covenant it was provided, that said wharf was to have been completed and ready for use on or before the 1st of January, 1853 ; and by which deed the right of way was granted by Buckelew to the State between said wharf and Prison grounds, which covenant, on behalf of said Buckelew, has never been fulfilled and performed according to the terms and meaning of said covenant, but, on the contrary, the said Buckelew has, up to this period, wholly failed and omitted to perform said covenant according to its true intent and meaning.

Your Committee further find, recorded in said County Recorder's Office of Marin County, a deed of conveyance from B. R. Buckelew to James M. Estell, Robert Allen, Ferdinand Vassault, Andrew Garr and Joseph Daniels, for about sixteen acres of land adjoining the State Prison grounds, to wit : The thirty acres conveyed by Buckelew to the State, such deed dated 10th of July, 1852, was duly acknowledged by the grantor on the 14th of same month, before a Notary Public, and was recorded on the 28th of September, 1852, in Book A, page 188, and following ; considerations named in deed of conveyance, \$5, and divers other considerations and terms to be fulfilled by the grantees.

Your Committee further find, recorded in said County Recorder's office, a deed of conveyance from James M. Estell, Robert Allen, Ferdinand Vassault, Andrew Garr and Joseph Daniels, to the San Francisco Manufacturing Company, for the sixteen acres last above alluded to ; consideration named in deed, \$5, duly acknowledged by grantors, and recorded in said Recorder's Office of Marin County.

Your Committee further find, recorded in said County Recorder's Office, a deed purporting to have been executed by the San Francisco Manufacturing Company, conveying to Archibald Woods all the right, title and interest of said Company in the State Prison grounds, and all grounds adjoining and adjacent thereto, and certain personal property and effects specifically described in an invoice annexed to, and made a part of, such conveyance ; consideration named in said deed, \$30,150 ; instrument dated 30th of June, 1854, duly acknowledged before a Notary Public, on the 6th day of July, 1854, and recorded in said Recorder's Office on the 14th day of July, 1854, in Book A, page 385, and following.

Your Committee will remark, that the deed was executed for, and on behalf of, the San Francisco Manufacturing Company, by James M. Estell, President of said Company ; and that no power of attorney was ever executed by said Company, or the members thereof, and acknowledged and recorded in the manner prescribed by statute for the execution, acknowledgment and record of deeds or instruments affecting real estate, authorizing said Estell, as the attorney in fact of said San Francisco Manufacturing Company, to execute, on behalf of said Company said deed of conveyance. We find, however, from an examination of the books containing the proceedings of the Board of Directors of the San Francisco Manufacturing Company, which was submitted to our consideration, that prior to the execution of said deed of conveyance, from James M. Estell, President of said Board of Directors, in behalf of said Company to said A. Woods, a resolution was adopted by said Board of Directors, and entered in said book containing the proceedings of said Board, authorizing said Estell, in behalf of said Company, to make and execute said deed ; and we further find, by reference to the proceedings of said Board, subsequent to said resolution of authority, also of record in the Book of Records of said Company, to said Woods, before the same was completed, was duly submitted to the Board of Directors, at a regular meeting thereof ; and the same was duly approved by said Board, and such approval duly entered in said Book of Records of the proceedings of said Board ; and after the entry thereof of such approval, and at the same



meeting of the Board, an order was made and entered at large in said Book of Records, among the proceedings of said Board, directing J. M. Estell to execute, on behalf of the said Company, said deed of conveyance to said Archibald Woods, according to a draft of such deed, submitted and approved.

Your Committee further state, that on the 22d of June, 1854, one Thomas Young commenced an action in the District Court of the 12th Judicial District, in San Francisco, against the San Francisco Manufacturing Company, in which suit a writ of attachment was issued to the Sheriff of Marin County, and was levied by said Sheriff on the 23d of June, 1854, upon the sixteen acres of land sold and conveyed as before mentioned, by said San Francisco Manufacturing Company to the said Archibald Woods, and afterwards sold by Woods to the State.

In said suit the San Francisco Manufacturing Company, by their attorney, filed their answer in said court on the 5th day of July, 1854; in which court said cause was tried and judgment rendered on the 8th day of December, in favor of plaintiff, Young, and against said San Francisco Manufacturing Company for \$5,817 89, with interest at two per cent. per month from date of judgment, with costs and disbursements, amounting to \$633 84, making the aggregate amount of judgments and costs \$6,451 53, which judgment was, on the 20th of March, 1855, assigned by plaintiff to one Mr. Centro; and that on the 4th day of August, 1855, the said sixteen acres of land, attached aforesaid, was sold by the Sheriff of Marin County, under and by virtue of an execution issued upon the judgment out of said District Court for the price or sum of \$2,000, the said Centro, the assignee of said judgment, being the purchaser; and that the time for the redemption of said property expired on the 24th of February, 1856, without any redemption having been made, from and after which time a Sheriff's deed has been due said Centro for the property. By reference to the deed from the San Francisco Manufacturing Company to Archibald Woods, above referred to, and the writ of attachment in the suit of Young against the San Francisco Manufacturing Company, it is shown that such attachment was levied upon the sixteen acres of land conveyed by said deed, *six days prior* to date of said conveyance, twelve days previous to the acknowledgment, and twenty days prior to the recording of the same in the County Recorder's Office of Marin County. It is the opinion of your Committee that the attachment of Young is perfectly good in every view of the case, as between Young and the San Francisco Manufacturing Company, and create a lien upon said property from the date of the service of said writ, and that the utmost that Woods could claim would be that he was a subsequent *bona fide* purchaser, without notice of Young's attachment, and for a valuable consideration paid by Woods.

Your Committee have not been able to discover any irregularity in the service of said attachment. The Sheriff's return appears to show that the land in question was duly and legally attached, hence your Committee infer that Woods had actual notice of the attachment in the strict sense of the law.

Your Committee further state, that the deed to Woods is, in legal effect, a quit-claim deed; it only purports to convey all the right, title and interest of the San Francisco Manufacturing Company to Woods just as they held, subject to the attachment, consequently, your Committee are of the opinion that Woods took the estate encumbered, just as the grantors held it and not otherwise.

Your Committee further state, that the deed from Woods to the State is likewise a quitclaim deed, consequently she holds this property precisely as Woods did, subject to the lien of the attachment, provided it is, as your Committee believe, a valid lien and without any recourse back upon Woods for the purchase money in case of a failure of title.

## EVIDENCE BEFORE COMMITTEE.

The figures on the diagram are correct, the measurement was taken as the wall progressed ; the width and depth of the wall is different at a great many places ; the measurement is as correct as is possible to make it.

On an average, we used two barrels of cement to one of lime ; I thought it would make a better wall than all cement.

The price for a good rubble wall per cubic foot, find all the material, is from fifty to sixty cents ; there is a great difference in the price of stone ; the price varies according to size ; also, in the price of work, the size of the stone makes the difference in price.

I think the price paid for the building of the State Prison wall is low ; don't think it could be done for less.

It takes more mortar in laying brickbats than whole brick.

Could build a house for cells, like the one at the Prison, for \$60,000 and find the material.

I am a mason and builder ; I superintended the building of the State Prison wall.

It would cost more to lay a wall of this kind than a small wall in the city ; it takes one-third more mortar ; I make my statement from the price of labor and materials.

The carting of the material for the wall was done by James Smiley ; it is worth fifteen dollars per thousand to lay the brick in the wall.

It cost \$3 50 per ton for the sand landed at the Prison ; the mechanics laid 1,500 brick each per day on an average.

It took one and a third tuns of sand to 1,000 of brick ; lime cost four dollars per 1,000 brick ; labor, four dollars ; cartage, one dollar.

About one hundred convicts were engaged on the work : the whole of the labor work was done by them ; the proportion of the convict labor to the whole work was about twelve per cent.

I think the wall could be built in San Francisco, find all the material for fifty-five cents ; it is worth five cents more at the Prison.

The lowest price stone can be laid for in San Francisco, is eighteen cents per cubic foot.

W. P. C. STEBBINS.

We purchased of Gen. Estell 2,200,000 bricks, on the consideration that we should fill certain contracts that he had at Mare and Bird Islands, for which we agreed to pay \$10 per thousand ; we could not fill the contracts with the bricks bought of him, but done so with bricks burnt afterward, for which Gen. Estell got the money ; the purchase of him was unconditional.

The agreement to purchase the property at the Prison of Woods & Estell, was to leave it to referees, neither party to be bound by their decision ; they selected a Mr. Wright, and we Mr. Warner ; they were to make the valuation under oath ; the amount of their valuation amounted to \$100,735 ; this amount was not accepted by the Directors ; we notified Woods & Estell that we did not feel authorized to give that amount, but felt authorized to give something near the amount of the bill passed by the last Legislature for his property ; we agreed to give them Controllors' Warrants for all except \$11,000, to make up \$64,000, which was to be paid in bricks, and the products of prison labor, and agreed to certify the appraisement of property to the Legislature for their action ; he to depend on them for the balance of the \$100,735. There is about 800,000 un-

burnt, and 500,000 burnt bricks on hand ; we talked one time of discontinuing the building of the wall, but a fresh arrival of prisoners decided us to go ahead, even if it did cost more than we thought it ought to, to prevent the escape of the prisoners.

I agreed to leave the whole matter of building the wall to Major Love ; he made the contract.

I made a contract with H. Bowie for supplies, which was repudiated, and never fulfilled. The supplies furnished by Mr. Smiley was by order of the Warden, Major Love.

The prisoners excavated the foundation, and quarried the stone used in the wall ; I have never received one dollar of the money belonging to the State Prison since I have been a Director.

There were bricks sent to San Francisco and sold ; do not know to whom ; the excavating was commenced before the contract was given out, but not finished. I do not think the prisoners can be fed and clothed for less than 65 or 70 cents each per day ; we could not make contracts for supplies unless we made warrants equivalent to cash.

Major Love and Mr. Palmer selected the referee ; Mr. Warner was recommended by Dr. Ashe. I know of no other proposition to contract to build the wall but the one made with Mr. Smiley ; we at first concluded to build the wall by day's labor and convict labor ; on examination, found we had but one or two masons in the prison. We had no money on hand, and could not hire mechanics without it.

R. N. SNOWDEN,  
Late Director.

The San Francisco Manufacturing Company failed, and transferred the property to A. Woods and S. W. Haight. When the Directors came down, they found they had nothing to work the prisoners with, or place to work them ; they bought the property of the schedule of A. Woods ; they paid Woods \$47,000 and Estell \$7,000 ; I signed the deed as a matter of form, having no interest in the sale from Woods ; I had an interest to the amount of \$7,000 of the Island property ; I have heard conversation between Cooper and Buckelew, and know the title to the land is clear, from their conversation ; all the judgments against the land and material outside of the wall have been paid by A. Woods, and is perfectly clear, as far as I know ; Woods assumed liabilities to the amount of sixty thousand dollars for the S. F. M. Co. ; the property of the Company was transferred to him to secure his advances. The purchase by the Directors was made from him ; I acted as agent for him ; the brick presses and planing machine cost \$20,000.

I don't think the wells could be placed there for \$1,000 in scrip. The amount of property on the schedule was agreed to by the referees ; this schedule comprises all the property turned over to the State.

There is no legal claim against the property sold by Woods to the State ; the only contingency that can arise is the refusal of the United States to confirm the title to the grant. A judgment was obtained against the S. F. M. Co. by a Mr. Young, after the sale to the State.

The guarding, feeding, etc., cost me from fifty-nine to sixty-one cents per day ; I think it would cost the State more. I think the prison is located in as good a place as can be found ; I employed from twenty to thirty guards.

I proposed last winter to build a wall around the Prison, similar to the one built, for \$50,000 ; I never heard of the giving out of the contract until it was made. I think I could have built the wall at the price I proposed without losing money.



I did not agree to take less than the amount of the schedule for the property, but did agree that all over \$64,735 should remain unpaid for the future action of the Legislature. There being no stone to build the wall with, I refused to let them have stone unless they bought the prison brig and materials, which agreement was made, for which I was to receive \$7,000.

GEN. ESTELL.

I am an architect ; I am well acquainted with the price of building walls ; to furnish the mechanical labor, lime, cement and sand, is worth from fifteen to eighteen cents per cubic foot ; to build a brick wall ten feet high, two and a half feet thick, furnish lime, sand and bricklayers, is worth \$7 50 per thousand bricks ; a wall of that thickness can be laid twenty-five per cent. cheaper than a three feet one ; it would cost fifty cents more to lay bricks per thousand at the prison.

REUBEN CLARK.

I am a builder ; I am acquainted with the price of work and building. The price for cement has varied very much this year, sometimes it has been very high ; the price for laying stone work, furnishing lime, sand, cement, labor and workmen, is worth from twenty-eight to thirty cents per cubic foot ; to lay brick and furnish everything except brick, nine dollars per 1,000.

To build a brick wall like the one at the Prison, and furnish lime, sand and bricklayers, is worth \$7 50 per 1,000.

JOSEPH ATKINSON.

The copy of the original contract with Smiley, is a true copy ; a small portion of the wall was built before the contract with Smiley was made. No other proposition for a contract was submitted or entertained ; I measured the wall as it progressed ; I asked no one the value of constructing the wall except Mr. Smiley.

I met Mr. Smiley on Washington Street ; the meeting was accidental, did not know him at the time ; I did not know him previous to making the contract ; I commenced the building of the wall by day's labor ; could not get mechanics to work, on account of the uncertainty of their getting paid ; I had to abandon the building of the wall on that account ; I advised with Mr. Palmer and Mr. Snowden in regard to building it by contract, they agreed to making a contract ; I had a conversation with Mr. Smiley, who agreed to make a contract ; the whole matter was left with me by the other Directors ; I made the contract on file with Mr. Smiley ; no one was interested but himself, to my knowledge.

Had no understanding with Woods or Estell, except expressed in the articles of agreement on file ; my understanding was, that we got possession of everything belonging to Woods and Estell, at the State Prison grounds, as embraced in the schedule ; the amount to be paid was \$64,968 ; they were to take the chance of getting the balance from the State.

The amount was as follows : \$37,000 to Woods and Estell's creditors, \$13,000 to Estell, \$8,000 remained in the hands of the Controller until the title to the land was fully cleared up.

The stone work is of different width and depth, according to the nature of the ground ; we had to make it so to make a good foundation ; the stone is laid in cement and lime ; was advised to do so by contractors and architects to make a better wall.

The Controller refused to draw warrants for the building of the wall or sup-

plies ; do not know that there has been any warrants issued for the work only by hearsay, have never seen any. The captains of the vessels measured the wood that we bought and gave a receipt for it, we paid for it upon the production of this receipt. Mr. Smiley assumed the bills and paid them ; we paid him part in cash and part in Controllers' orders at the rate they were selling, at seventy-five and eighty cents ; I at one time notified Mr. Smiley that the work would have to stop, as I could not get warrants issued to pay for the work ; a few days after he informed me that he had arrangements to get the money and would go on and fulfill his contract.

I think it would take another building as large as the present one, with single cells ; also, an addition of a story of single cells to the present one to take care of the convicts as it should be done ; I think it would cost forty cents per day to feed and clothe the prisoners.

JOHN S. LOVE,  
Late Director.

I was employed as physician at the State Prison, from 1st of June to 1st of January ; there was some sickness while I was there, brought on by exposure for want of clothing ; the first commencement of the building of the wall was about the 1st of August ; the treatment of the prisoners, while I was there, was kind.

DR. TALIAFERRO.

There is a great difference in the depth of the wall ; we had to go down to find a good foundation ; I took the measurement of the brick wall ; it is correct ; the price of mechanical labor was much greater than at present. The stone work was computed from the measurement of Mr. Stebbins and Maj. Love, as the wall progressed. I don't know what the work could be done for now.

GOV. PURDY.

I have been supplying provisions for the State Prison, in connection with H. Bowie ; the Directors wanted Bowie to supply at a certain price per day ; Mr. Snowden proposed giving twenty-nine cents ; Bowie agreed to take it at thirty-four cents per day each, which he would not agree to, but made arrangements afterwards, in which I was interested, at a certain price for each article, as follows :

Beef,  $16\frac{2}{3}$  cents per lb. ; potatoes,  $5\frac{1}{2}$  cents per lb. ; beans, 15 cents per lb. ; sugar,  $18\frac{2}{3}$  cents per lb. ; coffee,  $37\frac{1}{2}$  cents per lb. ; syrup,  $116\frac{2}{3}$  cents per gallon ; flour,  $1,866\frac{2}{3}$  cents per bbl. ; payment to be in warrants at sixty-five cents.

The contract was made by Mr. Snowden for four months ; when any of their friends could make a profit off of anything, they bought from them ; we made on our contract about \$2,300 ; I would supply the prisoners with food at forty-one cents per day.

MR. FOLEY.

I paid a judgment to Frink & Reynolds for the San Francisco Manufacturing Company, amounting to \$5,097. I was introduced to Maj. Love on the corner of Washington and Battery streets ; I sought the introduction ; I heard that he wanted to make a contract to build a prison wall ; I had no previous acquaintance ; I was introduced by Mr. Palmer ; I made the contract with Maj. Love, the other Directors had nothing to say in it.



I think there is 1,300,000 bricks in the wall ; I advanced the money to feed the prisoners and buy wood, so as to complete my contract in time ; I advanced \$24,000 in cash, for which I have received \$32,000 in orders on the Controller ; Maj. Love has never received, directly or indirectly, any benefits from the contract made with me.

In my opinion the prisoners cannot be kept for less than fifty cents per day. The thickness of the wall at the base was found necessary for the safety of it ; I have heard no complaint about the way the wall was built.

Both Controllers refused to issue warrants for the supply of provisions ; I sent the orders for the warrants that I received for the wall by Mr. Cohen. The rock at the Island is worth \$3 per ton. I have lost money on the contract ; will sell every claim I have for \$10,000 less than it cost me. The contract made with Ryckman is higher than we proposed ; our contract amounted to fifty-three cents per day, in warrants ; I would be willing to furnish food and clothing, at seventy-five cents per day each.

JAS. SMILEY.

I was employed as a guard and officiated as clerk. I tried to keep a brick account, but there was so much discrepancy in the number sent and receipted for, that I gave it up to Maj. Love.

I know nothing about the contract for building the wall up to the 12th of July ; there had been no books kept ; know nothing about the transactions before that time. The usual plan for receiving supplies was, Mr. Read receipted for them ; there was no provisions received but what was receipted for, and all received that was receipted for. The wood was measured by the Captains of the boats ; it was bought of several different parties ; could not buy it without paying cash.

There was from sixty to seventy mechanics employed on the wall ; the State boarded them, for which Mr. Smiley was to give the State credit on his account ; the convicts did no mechanical work on the wall.

A. BRADY.

I am a practical builder ; I worked on the State Prison wall ; Mr. Stebbins was foreman ; I was employed as stone mason, bricklayer and to build scaffolding ; the wall was not laid up solid, the points not being filled up with mortar ; it is a very poor built wall ; each man laid 3,000 bricks per day on an average ; the stone wall was built better than the brick wall ; I consider it pretty well built ; the sand in the wall was got from the beach near the Prison and is salt water sand.

I would have taken the contract to build the wall at eighteen cents per cubic foot ; would have built the terrace wall, the State furnishing the materials, at ten and a half cents per foot ; I would have found the mechanical labor at that ; I would take the contract to lay the brick at three dollars per 1,000, and consider it a good price, the State furnishing all the material ; I worked on the wall seventy-four days ; I am on friendly terms with the contractors ; I do not think the stone wall is more than twenty feet high at the gate.

MR. DOWLING.

Q.—Were you appointed a State Prison Director by the late Governor? if yes, state how long you held that appointment.

Ans.—I was appointed such Director on the 17th of October, 1855, and held the position till January 1st, 1856.

Q.—What time did you arrive at Point San Quentin?

A.—On the Sunday after my appointment.

Q.—Was the State Prison wall in progress of construction at the time, and if so, how far had its construction progressed?

A.—The east wall was partially finished; about 400 feet in length was complete so far as stone work was concerned; it was not pointed; the west wall was finished except the brick work and coping; it was not pointed, nor was the gate hung; and the hands were at work mainly on the north and south walls.

Q.—Who was building the wall?

A.—Mr. James Smiley.

Q.—Was Mr. James Smiley building that wall under a contract? if so, state all you know about that contract, either of your own knowledge or from any correct information derived from others.

A.—I first saw the contract on the 5th day of December, 1855, in the office of the Controller of State; it had attached to it the names of R. N. Snowden, John S. Love, Wm. H. Palmer and James Smiley, as the contracting parties; I know nothing personally of its execution. About a week or ten days after I went to San Quentin, wishing to ascertain upon what terms Mr. Smiley was proceeding to build the wall; I inquired of Mr. Snowden, President of the Board, what were the terms of the contract with Mr. Smiley; in the same conversation, we first spoke of a contract with Mr. Bowie, for provisions; I requested Mr. Snowden to call a meeting of the Board of Directors to have a definite understanding as to both contracts; Mr. Snowden informed me that he had never seen or signed the contract with Smiley, and knew nothing of the terms of it. Mr. Snowden promised to call a meeting of the Board; this conversation occurred on Saturday, and the President promised to call the meeting on the following Wednesday; he did not do so, and no meeting was then held, nor at any time thereafter until the 22d of December. About the 20th of November, I asked Mr. Smiley who made the contract with him and where it was; he told me that the Directors had all signed it, and that it was at the office in San Francisco; that he believed Mr. Love's copy was there too; on the 22d of November, I went to San Francisco; Mr. Smiley had gone to San Francisco the day I asked for the contract. On the 23d of November, I called on Mr. Smiley at his office in San Francisco, and asked to see the contract; he told me it had been sent to the Prison, and that the copy had also been sent over on the 24th; I went to the Prison and on the — day of November, I asked Mr. Love again for the contract, he told me that he did not have it; I inquired if Mr. Smiley had not sent it over; he replied that if he had he (Love) had not seen it; Mr. Love about that time was going to San Francisco, I requested him to bring the contract over to the Prison, as I desired to see it; he promised me he would or send it to the Governor; I replied that I wanted to see it before he sent it to the Governor; I do not know when Mr. Snowden signed the contract; on the 22d of November, Mr. Snowden again told me that he had not signed the contract, and the matter came up again on the 23d of November, when he told me that he had authorized Mr. Love to make a contract that would be fair and just, and he would ratify it; I have never been asked by any one to sign the contract.

Q.—While acting as Director, did you examine the work as it progressed, or the character of the masonry and the quality of the material used? if so, state all you remember in this connection.

A.—Soon after I went to Point San Quentin, I noticed that the stone work, instead of being laid in cement, as the law directed, was laid in a cement mortar ; I called Mr. Love's attention to it, and desired that the work should be laid in cement ; he said that the work would not be finished, if laid in cement, by the 1st of January, 1856 ; there was no change in the mason work ; the masons who built the wall were employed by Mr. Smiley ; the sand used in mixing the mortar was hauled from the beach near the Prison by the Prison labor, the stone was also hauled by Prison labor, and the prisoners attended the masons generally. The excavations for the foundation of the wall were accomplished by Prison labor.

Q.—Have you any knowledge, from information or otherwise, of the number of cubic feet of stone work in the entire wall of the Prison ? state from what place the stone was obtained ; state also who superintended the quarry, the amount of stone sent to the Prison and the character of the mason work.

A.—I have some information on the subject derived from Mr. Connor ; he was employed by the State to superintend the building of the wall before Mr. Smiley commenced his work, and acted as such Superintendent up to the time Mr. Smiley commenced.

According to his (Connor's) statement to me, there were, between 6th and 18th of August, ninety-eight days' labor by masons employed ; during which time there was laid by those masons 16,080 cubic feet of mason work, averaging within a fraction of 165 cubic feet of mason work per mason per day. This labor was performed on a wall 510 feet in length. About 3,000 additional cubic feet of masonry would have raised that portion of the wall to the level upon which the brick was to be laid. When Mr. Smiley commenced, Mr. Connor was employed by the State to superintend the quarry, and acted as such superintendent till the completion of the wall. I have from him a statement of the number of tons quarried from Marin Island and sent by boats of the State to the Prison. There were sixty tons of stone used in the building of the wall, which were obtained in digging the foundations. There were about 100 tons of refuse stone, which were used in the foundation of the wall. The remainder of the stone used in the wall was brought from Marin Island. The amount of stone, according to the account kept by Mr. Connor, and furnished to me by him, was 5,913 tons ; the entire amount of stone used in the wall was 6,073 tons. I judge, from the foregoing facts, that there is about 120,000 cubic feet of mason work in the entire wall. The wall above ground can readily be measured, but the mason work below the surface cannot so readily be ascertained by measurement. I do not think the mason work good ; I have in my possession a statement copied from the book of Mr. Connor, containing the quantity of stone sent to the Prison each day, and in what boats.

Q.—Did Mr. Smiley have any teams at the Prison ?

A.—I do not know that Smiley had any teams at the Prison ; one of the cart horses died ; then I learned that it belonged to Mr. Stebbins ; I always thought the team belonged to the State.

Q.—Do you know anything of an order, or resolution, signed by Messrs. Snowden & Palmer, authorizing John S. Love, on behalf of the State, to measure the wall built by Smiley, under contract, and to draw orders on the Controller ?

A.—On the 5th of December, on the same day that I saw the contract, I saw such a resolution in the office of the Controller, dated September 1, 1855.

Q.—Did you have any conversation with the other Directors about that resolution ? if so, state when, and under what circumstances.

A.—I did ; on the 19th day of December I received a notice calling a meeting of the Board of Directors on the 22d ; at that meeting I made a motion to



rescind so much of the resolution of September 1, as authorized John S. Love to draw orders on the Controller ; the Board refused to rescind.

Q.—You state that the masons engaged on the wall were employed by Mr. Smiley ; do you mean to say that none of the convicts were employed in building the wall ?

A.—I do not know that any were engaged in laying the wall ; they worked as mortar-mixers, hod-carriers, stone-haulers, etc. ; they did all the work except the actual laying of the stone ; and I was informed by Mr. Connor that the prisoners cut and dressed thirty-five tons of stone which was brought from Marin Island and used in the wall ; he also informed me that the prisoners cut nearly all the stone used in the east gateway, which is now walled up, and also the dressed stone for the heavy, or south-east corner.

Q.—You state that Mr. Connor told you that between the 6th and 18th of August, labor equal to the work of a man ninety-eight days was employed, and that during that time 16,080 cubic feet of wall were built, or equal to about 165 feet per day ; did you understand Mr. Connor to mean that this amount was constructed by the masons, unaided, or did they have the whole force of the prisoners to assist them ?

A.—Mr. Connor stated that the prisoners assisted him in the same manner that they afterwards assisted the masons employed by Mr. Smiley.

Q.—Do you know whether 510 feet of the wall built by Mr. Connor, with the aid of the prisoners, and the ninety-eight days outside labor, was deducted from the gross measurement of the wall before Smiley's accounts were certified to by John S. Love, and audited by the Controller ?

A.—I do not know ; I have been told that Mr. Smiley assumed the payment of the debts incurred for building that portion of the wall ; and suppose, if such is the case, that he has charged the State for the construction of the entire wall.

Q.—You say that you were Secretary of the Board ; say when, as such officer, you obtained possession of the books of the Board, and whether you examined each book to ascertain when the wall contract was made, and whether any minute of the contract is entered therein.

A.—I never had the minute-book of the proceedings of the Board ; I never saw it ; and never saw any entry or memorandum of the wall contract entered in any of the Prison books ; never saw anything about it until I saw it in the Controller's Office, December 5.

Q.—Did you demand the books ?

A.—Yes, but never obtained them.

Q.—Did you know before the scrip for the wall was issued, that it was to be issued ? If so, state what you know on the subject.

A.—I was in Sacramento during the latter part of October or early in November, and there heard that an effort was being made to get the scrip issued for the wall ; I had a conversation with Gov. Bigler, and told him that I did not think that the Controller could audit it ; that I had never seen the contract, and Col. Snowden told me he had never signed one, and that under the circumstances I would not certify to the accounts.

Q.—Have you any knowledge of the amount of bricks manufactured by the prisoners between the 1st of June last and the 31st of October ? If so, state how many were made, and what became of them.

A.—I only know from information by Mr. Pillow, Deputy Warden, that including the amount on hand when the State officers took the Prison from Gen. Estell, the total amount made was 5,000,000, of which number about 1,250,000 were used in the wall, and the remainder were sold, part to Gen. Estell and part to other parties.

Q.—What prices were obtained for those sold ?

A.—I do not know ; I understood that Gen. Estell credited his claims against the State at the rate of \$38 per thousand for those delivered to him at Mare Island.

Q.—When you assumed the duties of your office, who furnished the provisions and clothing for the prisoners, and upon what terms were they furnished ?

A.—Soon after I went to San Quentin, Mr. Snowden informed me that there was a contract with Mr. Bowie ; that Mr. Love had authorized him (Mr. S.) to make one, and that he had done so ; I asked Mr. Love about it, and he replied that there was no contract ; that he had never signed one, nor authorized Mr. Snowden to make one. Some time afterward I asked him (Mr. S.) why, if there was no contract with Bowie, he received the provisions from him ?—that I did not know what prices were being charged, and that I was going to San Francisco, and that if he (Mr. S.) would give me authority, I would get bids from different parties, and bring them over and submit them to him, so that we might get them on the best terms ; he refused to give me the authority ; stated that he would make no contract, and was going to get the provisions as he had been doing ; provisions were received afterward from different parties, Bowie, Smiley, and Ryckman.

Q.—Did the Board make a contract with any person to supply the prisoners with provisions and clothing ?

A.—At a meeting of the Board, Dec. 22d, the matter of a contract was under discussion, and afterwards, on the 26th, a contract for one year was entered into with Jno. Ryckman, to furnish the prisoners with food and clothing, and the Directors, Overseers and Guards with provisions, for the sum of ninety cents per man, per day, in scrip, at par.

Q.—Why was that contract made ?

A.—The 7th Section of the Prison Act contemplates a contract, and gave us the power to make it, and I thought then, and still think, that the best interests of the State were subserved by the contract.

Q.—What do you know of the books and accounts of the Prison ?

A.—Mr. Reed acted as Commissary, received the provisions, weighed the beef, etc., after which the amounts were entered in a book kept by him.

Q.—Are these books now in possession of the Committee—the books of the Prison ?

A.—No, sir, they are not the originals.

Q.—Did you ever see these books before, or have you any knowledge of them ?

A.—I never saw them before, and know nothing about them.

Q.—What amount of accounts were audited by your Board of Directors ?

A.—I cannot say ; I have signed none except two, amounting to about \$10,000, for supplies, and the accounts of persons employed as guards or overseers ; none others have ever been presented to me.

Q.—Are there any accounts still outstanding against the State ?

A.—I believe there are still accounts outstanding against the State, but I cannot say whether they are certified to or not, none having been presented to me.

JOHN MADDEN.



# GROSS COST OF PRISON UNDER THE OLD BOARD OF DIRECTORS.

Controller's account.....	\$345,334 88
John S. Love, (cash advanced).....	2,270 94
Receipts from bricks.....	6,222 17
Due J. M. Estell.....	33,773 25
Due Ham. Bowie.....	534 77
Due E. Dannell.....	212 50
Due Sam. Warren.....	100 50

---

\$388,449 01

## LESS.

Due by W. H. Palmer.....	\$6 00
" R. N. Snowden.....	47 50
" P. S. Brinkerhoff.....	54 60
" B. R. Buckelew.....	16 00
" J. Warner.....	46 00
	<hr/>
	170 10
	<hr/>
	\$388,278 91

## FOR THE FOLLOWING ITEMS, VIZ :

State Prison Wall.....	\$180,239 09
Expenses, including provisions, clothing, improvements, armory, and salaries.....	125,967 14
Cord wood for brick kilns, and firing for prison.....	17,168 68
Property purchased from J. M. Estell.....	64,908 00
	<hr/>
Total.....	\$388,278 91

# GROSS COST OF THE FOLLOWING ITEMS FROM JUNE 1 TO DECEMBER 31, 1855.

On account of Improvements.....	\$16,251 05
" Salaries.....	43,818 17
" Provisions.....	60,649 96
" Clothing.....	3,205 60
" Expenses.....	1,249 86
" Armory.....	792 50
	<hr/>
Total.....	\$125,967 14

Averaging for each month..... \$17,995 30

## STATE PRISON LIST OF BALANCES, DEC. 31, 1855.

8. Property.....	\$64,908 00	1. Controller.....	\$345,334 88
9. Improvements ....	16,251 05	3. John S. Love.....	2,270 94
10. Salaries.....	43,818 17	15. Bricks.....	6,222 17
11. Provisions .....	60,649 96	16. J. M. Estell.....	33,773 25
12. Clothing .....	3,205 60	44. Ham. Bowie.....	534 77
13. Expenses .....	1,249 86	86. E. Dannell .....	212 50
14. Cord wood.....	17,168 68	135. S. Warren.....	100 00
19. Armory .....	792 50		
21. W. H. Palmer....	6 00		
22. R. N. Snowden...	47 50		
25. State Prison Wall.	180,235 09		
43. P. S. Brinkerhoff..	54 60		
44. B. R. Buckelew...	16 00		
133. J. Warner .....	46 00		
	<hr/>		<hr/>
	\$388,449 01		\$388,449 01

POINT SAN QUENTIN, December 31, 1855.

## REPORT OF STATE PRISON DIRECTORS.

*To the Hon. the State Prison Committee :*

GENTLEMEN : Agreeable to your request, we herewith transmit to you a condensed Report of the Prison and Prison Grounds, as we found them on the first day of January, when we entered on our respective duties, as Directors of said Prison.

We ascertained the number of convicts to be 392, confined in the Prison, with the exception of eighty-five, who are quarrying stone at the Island, and remain on the Prison Ships ; the balance, being 317, are confined in the Prison, which has but forty-eight cells and one long room. We are compelled to put four convicts in each cell, and some 125 to 130 in the long room, and as soon as the lease expires for quarrying stone, which will be on the first day of June, we shall have eighty-five more to crowd in the long room, beside the number daily and weekly arriving here from different parts of the State.

It will require two more Prison Buildings of the same size as the present one, to enable us to keep the convicts securely, and said buildings are required to be built immediately.

There will also be required to be built and erected of brick and stone, the following fire-proof buildings, inside of the Prison walls, viz : blacksmith's shop, carpenter's, cabinet-maker's, boot and shoe, tin shop, wheelwright's, etc., etc. Also, there will be required to be built, officers' quarters, hospital, guard-houses, store-house—as all the buildings enumerated are in a dilapidated state, and most of them untenable in the rainy season. The buildings should be erected with as little delay as possible ; and as soon as an appropriation is made they can be commenced at once. The estimate for materials, machinery, tools, working implements, cement, etc., etc., for said buildings, together with the erection of two prisons, will not fall far short of \$95,000, and which estimate we think will be

ample to meet all expenses in building same, as said buildings can be erected entirely by convict labor.

There will also be required the following amount of funds, to meet the current expenses of the Prison, for the year ending 31st December, 1856, viz :

For Provisions for 465 men, consisting of officers, attaches, guard and prisoners, one year.....	\$100,000
Clothing 450 prisoners, one year.....	15,000
Wages of officers, employees and guard.....	90,000
<b>Making.....</b>	<b>\$205,000</b>

To which add amount required for building, as per previous statement. 95,000

And we have a sum, required for the current year, of..... \$300,000

The brick manufactured and stone quarried, together with the manufacturing of different articles in the various workshops the coming year, and sold, will be placed to the credit of the above amount.

All of which is respectfully submitted, by your obedient servants,

F. S. MCKENZIE,  
E. WILSON.

### STATEMENT

*Of the Actual Cost for Feeding, Clothing and Guarding Prisoners for the Month, ending January 21st, 1856.*

To amount of Contractor, A. M. Hay, bill for provisions actually consumed in the month of January, 1856, being for 465 employees, guard and prisoners.....	\$3,567 88
--	------------

The average cost per day for 465 is 52½ cents.

To amount of Contractor, J. F. McCauly, for beef furnished 465 employees, guard and prisoners, and actually consumed in the month of January, 1856.....	3,707 08
---	----------

To amount of Contractor, R. Matherson, bill clothing furnished to 450 prisoners in the month of January, 1856.....	1,250 00
--	----------

The average cost per day for 450 convicts is 8½ cents.

To amount of wages paid to officers, attaches and guard for the month of January, 1856.....	7,511 43
---	----------

<b>Total amount of expenses to 31st January.....</b>	<b>\$16,036 39</b>
--	--------------------

F. S. MCKENZIE,  
E. WILSON.

## STATEMENT

*Of the Actual Indebtedness of the State Prison for Supplies furnished in the Month, ending January 31st, 1856, being for Provisions, Clothing, Stock, Building Materials, Carpenters' Tools, Blacksmith Shop, Ordnance and Hospital Stores, etc., etc.*

Stock account, consisting of wheelbarrows, shovels, picks, gear, etc.	\$859 08
Building account, consisting of lumber, shingles, carpenters' tools, etc.	998 15
Furniture account, consisting of beds, bedding, chairs, desks, kitchen furniture	511 50
Ordnance account, consisting of gun and blasting powder, lead, caps and shot.	184 25
Blacksmith account, consisting of bar iron, steel, tools, etc.	643 82
Vessel account, for one boat for Island, cordage, ratlin, tar, paints, oars, etc.	566 66
Clothing account, for whole amount of invoice purchased from contractor, R. Matherson, being three months' supply.	3,708 00
Stationery account, for books, record book, paper, etc.	150 00
Hospital account, for drugs and medicines	148 77
Provision account, for flour, sugar, coffee, assorted groceries and beef	7,474 96
Expense account, for wood, fuel, freight on purchases, incidental articles, etc.	386 90
Wages account, for amount of wages due officers, attaches and guard	7,511 43
Total amount due January 31st, 1856.	\$23,243 52

F. S. McKENZIE,  
E. WILSON.

## LIST

*Of Officers, Attaches and Guard employed at the State Prison, San Quentin, on the 31st of January, 1856, and Compensation to same.*

Jan. 1st, 1856, F. S. McKenzie, Director and Warden	\$291 66
“ “ Alex. Bell, Secretary	291 66
“ “ Ezekiel Wilson, President	291 66
“ “ J. H. Harris, Physician	208 33
“ “ Leonidas Smith, Dep. Warden	150 00
“ “ M. Scott, Jr., Book-Keeper and Dep. Secretary	150 00
“ “ Seth H. Wetherbee, Commissary	150 00
“ “ Edward Meredith, Storekeeper	100 00
“ “ G. W. Wells, Captain of Guard	150 00
“ “ C. H. Work, Lieutenant	100 00
“ “ G. M. Whorter, Dep. Warden at Island	100 00
“ “ Wm. Allison, Supt. Blacksmithing	200 00
“ “ ——— Loring, Brickmaking	150 00
“ “ J. S. Lisle, Lieut. of Guard at Island	100 00



Jan. 1st, 1856,	Joseph Conner, Supt. of Quarry .....	\$150 00
" "	George Lee, Captain of Sloop "Mariposa." .....	100 00
11th, "	George Johnson, " "Marin." .....	66 66
24th, "	Thos. Riley, Captain of Schooner "Pike County." ..	26 66
1st, "	Robert Perry, Overseer in Yard .....	100 00
" "	J. M. Gray, " of Vessels .....	100 00
" "	G. T. Kimball, " in Yard .....	100 00
" "	Horace Bell, " " .....	100 00
" "	J. D. Robinson, Overseer in Stables .....	100 00
" "	W. C. Jorden, Cook to 29th, discharged .....	93 33
" "	Michael Burns, Guard .....	100 00
" "	J. C. Biffle, " .....	100 00
" "	A. C. Rockwell, " .....	100 00
" "	John English, " .....	100 00
" "	P. R. Smith, " .....	100 00
31st, "	H. R. Johnson, " .....	100 00
1st, "	A. T. Chatfield, " .....	100 00
" "	John Norton, " .....	100 00
" "	G. W. Woods, " discharged 31st .....	100 00
" "	Lartial Root, " .....	100 00
" "	G. Hawley, " .....	100 00
" "	Edw. Breenman, " .....	100 00
" "	J. H. Conway, " .....	100 00
" "	James Conway, " .....	100 00
" "	Amory Bell, " .....	100 00
" "	Peter Hawley, " .....	100 00
" "	George Goslig, " .....	100 00
" "	G. P. King, " .....	100 00
" "	Joseph Seale, " .....	100 00
10th, "	W. H. Caldwell, " .....	70 00
1st, "	John P. Egan, " .....	100 00
" "	E. P. Bonist, " .....	100 00
" "	Tim Rogers, " .....	100 00
" "	John Jones, " .....	100 00
4th, "	J. Williamson, " .....	86 00
" "	R. E. Russell, " .....	86 00
7th, "	Daniel Perkins, " .....	80 00
" "	W. T. Whitiker, " .....	80 00
" "	G. W. Gray, " .....	80 00
18th, "	G. W. Tucker, " .....	43 33
1st, "	John McKenzie, " .....	100 00
" "	John Spell, " .....	100 00
" "	Thos. Kennelly, " .....	100 00
" "	H. C. Young, " .....	100 00
27th, "	— Harvey, " .....	16 66
1st, "	Capt. Baldwin, " .....	100 00
Discharged Guard, gave orders on Controller .....		798 16

Total amount of Salaries to 31st January .....

\$7,511 43

F. S. McKENZIE,  
E. WILSON.



## STATEMENT

*Of Property in and around the State Prison, collected together by the Directors on the first day of January, 1856.*

- 1 Steam Engine, boiler and machinery.
- 1 small Steam Engine.
- 1 schooner "Mariposa."
- 1 sloop "Pike County."
- 1 sloop "Marin."
- 47 head Horses and Mules.
- 17 yoke Oxen.
- 3 Milch Cows.
- 1 Heifer.
- 90 Hogs and Pigs.
- 6 Saddles and Bridles.
- 11 set Harness, (requiring repairs.)
- 11 Carts, (worn.)
- 3 Draft Wagons.
- 2 Trucks.
- Lot Shoemakers' Tools.
- 1 Planing Machine and Drill.
- 10 tons old Iron.
- Lot Blacksmiths' Tools and Bar Iron.
- 8 Brick Presses.
- 1 Turning Lathe and Vice.
- 1 lot Carpenters' Tools.
- 82,000 burnt Brick, (common.)
- 225,540 Brick, shipped to Mare Island.
- 2 dozen Picks and Shovels, (old and worn.)
- 45 Wheelbarrows, (old and worn.)
- 2 kilns unburnt Brick, (said to be bad and not fit to burn.)
- 1 frame Guard House, and Kitchen attached.
- 1 brick Bakery.
- 1 Office, for Officers' Quarters.
- 1 frame Blacksmiths' Shop.
- 1 frame Carpenters' Shop.
- 1 frame and brick Store-house.
- 2 small frame Houses, (one room each.)
- 1 frame Building, (used for Stable.)
- 5 Office Chairs, (old and worn.)
- 1 Center Table.

F. S. McKENZIE.  
E. WILSON.

## AN ESTIMATE

*Of the Expenditures of the State Prison, one year, as shown by Mr. Bell, State Prison Director.*

3 Directors, salary for each \$3,500 per annum.....	\$10,500
1 Deputy Warden.....	1,800
1 Captain of the Guard.....	1,800

1 1st Lieut. of the Guard.....	\$1,500
1 2d " ".....	1,200
30 Guards, \$100 per month each, \$1,200 per annum.....	36,000
8 Overseers, " " " ".....	9,600
3 Cooks, " " " ".....	3,600
1 Steward " " " ".....	1,200
1 Physician, per annum.....	2,500
1 Book-keeper.....	2,000
2 Captains of Vessels, \$1,800 each, per annum.....	3,600
Crew to man two Vessels.....	2,400
Forage for Animals, \$600 per month.....	7,200
2,000 cords Wood, \$8 per cord.....	16,000
Provisioning 600 men.....	180,000
Clothing.....	1,800
Appropriation for starting Manufactures.....	20,000
Tools and Implements.....	2,000
Total.....	\$329,700

ALEX. BELL,  
State Prison Director.

Your Committee having thus examined and gone through with all the testimony and evidence procured from every source that your Committee think important and deem as reliable, and therefore worthy the consideration of the Legislature.

On the one side stands the State of California, on the other, sundry individuals, who have heavy demands against the State for services alleged to have been rendered. The facts as ascertained by the investigations of your Committee, and the testimony elicited from various persons of undoubted veracity, under oath, must be the guide for future action and legislation in regard to the rights of those persons and the government of the State Prison.

While your Committee cannot recommend open repudiation in the payment of the aforesaid demands against the State, your Committee do recommend that the contracts for the supplies and the building of the Prison wall, and the enormous excesses committed, and the authority of the State agents in assuming the power, and arrogating to themselves the right to depart from the strict provisions of the law—be placed under the strictest scrutiny. The pride and honor of the State, and the credit and confidence we should seek to establish in the world, would at once forbid in our State—as it should in every sovereign State of the Union—repudiation, in the payment of any reasonable sum of money arising under a contingent necessity.

From the testimony above, particularly that of Mr. Madden, who was himself one of the late Board of Directors, there is *prima facie* evidence of fraud; whether arising from the inability of those gentlemen to discharge their duty, or an intentional abuse of power and waste of public money. The State has for years been blindly lavish in conferring wide discretionary power upon irresponsible men, who have taken every advantage in favoring pet schemes, and pledging the faith of the State to all sorts of one-sided contracts and obligations. It is not the desire of your Committee to charge corruption or fraud upon any person who has held responsible positions under the late government; but from the context of the proceedings of those who had charge of the State Prison, there are,

beyond all question, some grounds for suspicion of those who were placed in charge of that Institution.

Your Committee would recommend, for the purpose of ascertaining the peculiar character and validity of those heavy claims and demands created against the State, on behalf of, and incurred for, the support and maintenance of the State Prison, together with all the accounts and contracts, and every species of claim, be submitted to the Attorney-General of the State ; and that a resolution be passed, authorizing and requiring him to examine into all claims, and the legal right of those claims and persons ; and further, that he be empowered to commence suit against any and all of the late Board of Directors, in any court of justice in this State having jurisdiction of the same ; and that he be further authorized to prosecute the said Board of Directors, their bondsmen, or other sureties, for damages, for any and all losses that the State may have sustained by means of neglect or irregular and informal proceedings in office.

Your Committee have also ascertained the valuation of such labor and material as was necessary to construct the stone and brick wall around the Prison, as the testimony above will show, which fixes the price of the stone work at twenty-eight cents per cubic foot, and brick work at ten dollars per thousand, which your Committee believe are the highest prices paid for such work. From these facts, it will appear that had the Directors contracted for the construction of the wall, as the law authorizing its construction prescribed, and at the market value of such work, the whole cost would not have exceeded the following amount :

Stone Work, 110,000 cubic feet, at 28 cents per foot .....	\$30,000
Brick, 1,250,000, at \$10 per 1,000.....	12,500
Coping, 2,000 feet, at \$9 per foot, line measurement, including setting.	18,000
One Iron Gate .....	500
<b>Total .....</b>	<b>\$61,000</b>

The above prices are higher than was stated by practical builders and contractors examined by your Committee.

In comparing the above with the amount and measurement as certified to by Major Love, the following difference in cost will appear :

Stone Work, allowed by Major Love, was 204,485 feet at 40 cents per foot as per contract .....	\$81,794 00
The amount, as the law directs, is 110,000 feet, at 28 cents per foot.....	30,800 00
<b>Excess .....</b>	<b>\$50,994 00</b>
Brick Work, Major Love's measurement, 1,374,296, at \$15 per 1,000.....	\$20,514 44
As the law directs, 1,250,000, at \$10 per 1,000 .....	12,500 00
<b>Excess .....</b>	<b>\$8,014 44</b>
Amount certified to by Major Love for Stone Coping, Gate, etc.....	\$24,692 00
Valuations by Committee .....	18,500 00
<b>Excess .....</b>	<b>\$6,192 00</b>

## RECAPITULATION.

Cost of wall as certified by John Love—

Stone Work .....	\$81,794 00	
Brick Work.....	20,514 00	
Coping, Gate, etc.....	24,692 00	
Total.....		\$127,000 00

As per measurement and valuation of your Committee—

Stone Work.....	\$30,800 00	
Brick Work.....	12,500 00	
Stone, Coping and Iron Gate.....	18,500 00	
Total.....		\$61,800 00
Excess of cost found.....		\$65,200 00

From the above statement, it appears that the Contractor has been overpaid in the sum of \$65,200, and from the books of the Directors, it appears also, that the Contractor still holds certified accounts to the amount of \$80,000, which accounts have not been audited; \$32,000 of this amount is for supplies, alleged to have been furnished to the Prison, and \$48,000 certified to by the Directors for the purpose of indemnifying the Contractor against loss by the depreciation of State Scrip. The total amount outstanding against the State, as shown by the books of the Directors and the report of the State Controller, is \$128,244 66. The Directors, it appears, voluntarily and without the color of authority, certified to this sum of \$48,000, or thirty per cent. in addition to the amount certified in the contract.

Your Committee is clearly of the opinion, that this amount was not only illegally certified to, but was wholly unauthorized, as will appear from the following extract from the contract with Mr. Smiley :

"For and in consideration of all which, by said party of the second part, the said party of the first, agrees to pay to said party of the second part, forty cents per cubic foot for the stone laid in the wall; said stone-work to be measured at the end of every two weeks, and a certificate of the amount given to the party of the second part, and orders drawn by the Wardens, parties of the first part, on the State Treasury for the amount; the State to appoint its own Superintendent, and to measure the same."

It is clear from the terms of the above contract, that an additional sum was not contemplated when the contract was made; by reference, however, to the character of the claims and demands set up against the State by the Contractors, it does appear that it has been done in every instance.

The amount paid for wood, or certified to by John S. Love, is \$17,168, and the whole amount of brick burnt with said amount of wood, could not have been sold for more than \$20,000.

Your Committee being unable to obtain the original books of the Prison, which were withheld from the Committee for reasons unknown, except for the reason as stated by Major Love, that there was so much error and irregularity in the manner of keeping them, that he deemed it essential to have a correct copy made, which copies were the only books presented to your Committee. Mr. Brady, who was employed for some time as Clerk, states the same thing.

The report made by the present Board of Directors, shows the expenses of



the State Prison, for the month of January, to be \$23,243 52. At this rate, it will require an appropriation of \$250,000, annually, to support the Prison and defray its expenses. The Board, however, widely differ on this point, as Mr. Bell, one of the present Directors, estimates the cost of the Prison for the ensuing year, at \$329,700. In addition to the foregoing amount, there will have to be an expenditure of at least \$100,000, for the erection of buildings necessary to contain the prisoners.

The lease between James M. Estell and the State, for Marin Island, expires on the 1st day of June, 1856; and unless there be some provision made by the State, there will be no place to confine the prisoners at present employed therein, amounting to about one hundred.

The present building at San Quentin is already filled to its utmost capacity, there being now four convicts in each cell, and about one hundred and fifty thrown together in one room.

From all the facts, as set forth in the above report, it would seem that the most advisable course for the State to pursue, is again to revert to the contract, or leasing, system, upon the most reasonable terms, and to the most responsible person, or persons. The State will thus know how much will be required for the actual support and maintenance of the State Prison, and when her expenditures will cease.

### REMOVAL.

Your Committee have had under consideration the advantage and disadvantage attending the present location of the State Prison. If the Prison had not been built, and they had been charged with a commission to select a location, they would not have selected the present site; but considering the amount already expended, we would not feel justified in recommending a removal. Experience has already taught us, that outlays in starting new enterprises are enormous; and until the number of prisoners become so large as to require to be separated, your Committee are of opinion that the State should confine her expenditures to the present locations.

JOHN B. MCGEE, Chairman,  
S. BYNUM,  
CHAS. WESTMORELAND,  
Senate Committee.

E. J. CURTIS, Chairman.  
JOSEPH WINSTON,  
GEORGE PECK,  
BENJ. G. WEIR,  
JAMES GEORGE,  
GEORGE H. RHODES,  
House Committee.

Mr. Ferguson presented the following report:

*Mr. President:*

The Judiciary Committee, to whom was referred Senate Bill No. 74, entitled *An Act to amend an Act entitled An Act to amend the Fourteenth Section of "An Act concerning the Office of County Treasurers,"* passed March 27th, 1850; and,

Senate Bill No. 75, entitled *An Act to amend an Act to regulate Proceed-*



ings in Civil Cases in Courts of Justice of this State, have had the same under consideration, and beg leave to report the same back to the Senate and recommend their indefinite postponement.

W. J. FERGUSON,  
Chairman.

Senate Bill No. 74, An Act to amend an Act entitled An Act to amend the Fourteenth Section of an Act entitled "An Act concerning the Office of County Treasurers," passed March 27th, 1850, was ordered on file.

Senate Bill No. 75, An Act to amend an Act to regulate Proceedings in Civil Cases in Courts of Justice of this State, was ordered on file.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee to whom were referred a petition from certain citizens of Tuolumne County, for relief from their liability as sureties on the official bond of Thos. C. Branton, Public Administrator, have had the same under consideration and report, that in their opinion, the Legislature has no power to grant the relief prayed for. They therefore recommend the indefinite postponement of the subject.

W. J. FERGUSON,  
Chairman.

The report of the Committee was concurred in and the subject indefinitely postponed.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee, to whom was referred Senate Bill No. 23, entitled An Act to encourage the settlement and secure improvements on wild and unoccupied Lands, have considered the same and respectfully beg leave to report the same back for the further consideration of the Senate.

W. J. FERGUSON,  
Chairman.

The bill was made the special order for Wednesday next, at 12 o'clock, and ordered printed.

Mr. Scellen presented the following report :

*Mr. President :*

The Committee on Counties and County Boundaries, to whom was referred Senate Bill No. 34, a bill to fix permanently the Boundary Lines between Yuba, Butte and Plumas Counties, beg leave to report the same back for the consideration of the Senate.

JNO. D. SCELLEN,  
Chairman.

The bill was placed in position on the Calendar.

Mr. Flint presented the following report :

*Mr. President :*

Your Committee on Commerce and Navigation, have had under consideration Senate Bill No. 69, entitled An Act to authorize Benjamin F. Forsythe and Others, to construct a Wharf in Solano County, and beg leave to report it back and recommend its passage.

WILSON FLINT,  
Chairman.

The bill was placed on the Calendar.

Mr. McGee presented the following report :

*Mr. President :*

Your Committee has had under consideration Assembly Bill No. 103, supplementary to An Act passed for the temporary relief of the State Prison, and report the same back without recommendations.

JOHN B. MCGEE,  
Chairman.

The bill went to its place on the Calendar.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills have examined Senate amendments to Bill No. 38, a bill for An Act making appropriations for Civil Expenses of the Government of the State, and find the same correctly engrossed.

J. G. MCCALLUM,  
Chairman.

The bill was taken under consideration.

Mr. French moved to recommit the bill to the Committee on Finance, with instructions to bring in a substitute embracing all the amendments adopted by the Senate, and the amendment proposed by Mr. Ashley, as follows :

“For payment of State Reporter for three hundred volumes of the reports of the Supreme Court for the year 1854, being Vol. IV., three thousand dollars.”

Mr. Lippincott demanded the previous question.

Sustained.

The question being, “Shall the main question be now put?” it was carried.

The question then recurring on the motion to recommit the bill with instructions, it prevailed.

Mr. Norman presented the following report :

*Mr. President :*

The Committee on Enrollment have this day examined and found correctly enrolled, An Act to authorize the Board of Supervisors of Calaveras County to pay the Current Expenses of said County.

W. B. NORMAN.

The following message was received from the Assembly :

*Mr. President :*

I am directed to inform the Senate, that the Assembly have passed Senate Bill No. 72, An Act to authorize the Board of Supervisors of Calaveras County to pay the Current Expenses of said County ; also,

Assembly Concurrent Resolution in relation to adjourning until Tuesday next, at 11 o'clock A. M.

The resolution is herewith submitted and the concurrence of the Senate respectfully requested.

Respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

The following Concurrent Resolution was then read :

WHEREAS, To-morrow being the the anniversary of the birthday of WASHINGTON that the members of this Legislature may return to their homes and celebrate the day in an appropriate manner due to his memory and our appreciation of the great good conferred upon us by the "Father of our County." Be it therefore

*Resolved*, That this Legislature, the Senate concurring, adjourn to meet again on Tuesday next, 26th inst., at 11 o'clock A. M.

Mr. Coffroth moved to concur in the adoption of the resolution.

Mr. Ashley moved to strike out Tuesday and insert Monday.

Upon which the ayes and noes were demanded by Messrs. McCoun, Burton and Ashley, with the following result :

AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Dosh, Mandeville, McCallum, McCoun, Shaw, Tilford, Waite and Wilson—13.

NOES.

Messrs. Coffroth, Crandall, Day, De la Guerra, Ferguson, Fiske, Flint, French, Gove, Hawthorne, Hook, Lippincott, McGee, McNeill, Norman and Rust—16.

So the motion was lost.

Mr. Ashley moved to strike out Tuesday and insert Saturday.

Mr. Coffroth asked a division of the question on striking out.

Not agreed to.

Mr. Burton moved to strike out the words "may return to their homes."

Not agreed to.

Mr. Flint demanded the previous question.

Sustained.

The question being : "Shall the main question be now put ? " it was carried.

The main question being on concurring in the resolution, the ayes and noes were demanded by Messrs Burnett, Cosby and Coffroth, with the following result :

AYES.

Messrs. Coffroth, De la Guerra, Ferguson, French, Gove, Hawthorne, Hook, Lippincott, McGee, McNeill and Rust—11.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Crandall, Day, Dosh, Fiske, Flint, Mandeville, McCallum, McCoun, Norman, Shaw, Tilford, Waite and Wilson—18.

So the Senate refused to concur.

Mr. Burton called for the special order, being the Senate Deficiency Bill, No. 58, which was taken up and considered as in Committee of the Whole.

After some time so spent, and the adoption of several amendments to the bill, the Committee rose, with the permission to sit again hereafter.

On motion of Mr. Flint, the vote was reconsidered by which the Senate refused to concur in Assembly Concurrent Resolution, proposing to adjourn till Tuesday.

Mr. Ashley moved to strike out Tuesday, in the resolution, and insert Saturday.

Mr. Mandeville raised the point of order, that the motion was out of order, inasmuch as the Senate had already refused to strike out.

The Chair sustained the point of order.

Mr. Lippincott demanded the previous question.

Sustained.

The question being : "Shall the main question be now put," it was carried.

The ayes and noes were demanded, on concurring in the resolution, by Messrs. McCoun, McGee and Waite, with the following result :

AYES.

Messrs. Crandall, De la Guerra, Dosh, Ferguson, Fiske, Flint, French, Gove, Hawthorne, Heintzelman, Hook, Lippincott, McCallum, McGee, McNeill, Rust and Tilford—17.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Day, McCoun, Shaw, Waite and Wilson—10.

So the resolution was concurred in.

Several Senators raised the point of order, that by concurring in the resolution, the Senate stood adjourned.

The Chair, (Mr. French,) decided that the Senate was not adjourned and that a motion to that effect would be necessary before the Senate could adjourn.

Mr. Rust appealed from the decision of the Chair.

The question being : "Shall the decision of the Chair stand as the judgment of the Senate?" it was decided in the negative, and the decision of the Chair was overruled.

So the Senate stood adjourned.



## IN SENATE.

TUESDAY, February 26th, 1856.

Senate met pursuant to adjournment.

Lieutenant-Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of Thursday last read and approved.

Mr. French rose to a question of privilege, and presented the following protest :

## PROTEST OF A. FRENCH, SENATOR FROM EL DORADO.

Feeling that my right as a Senator, as well as the rules of the Senate, have been violated by the action of this body upon the Civil Appropriation Bill, on the 21st instant, I make the following statement of facts, which, with my protest based thereon, I ask to be placed on record.

The Senate on the 20th day of February, instant, had under consideration House Bill No. 38, entitled "A bill for an Act making Appropriations for the Civil Expenses of the Government of the State." Several amendments having been made thereto, it was ordered engrossed. On the 19th instant, the Engrossing Committee reported the same as correctly engrossed. On the 20th instant, the vote referring said bill to the Engrossing Committee having been reconsidered on my motion, and several amendments having been adopted, Mr. Burton called for the reading of *the bill under consideration*, which of course was the *House Bill*; the Senate having no right to engross a bill from the other body. The Clerk nevertheless proceeded to read the document reported by the *Engrossing Committee*, which, in fact, had no more to do with the subject than so much waste paper. I hereupon rose to a point of order, as follows : "The Secretary should read the Assembly Bill, as amended, and not the paper entitled an Engrossed Bill."

The Chair here decided that the point was not well taken, whereupon I appealed from said decision. While the vote upon the appeal was being taken, Mr. Burton, as was his right under the Rules, required my point of order to be reduced to writing; yet, while engaged in complying therewith, the President permitted the call to be proceeded with, and, although the same was read before announcement of the vote, declared my point lost by the vote of 26 to 1, which was in fact the vote on the point as erroneously stated by him, and not as made by me. On the 21st instant, when the journal of the day previous was read, I found that my point was not properly stated. I thereupon moved to strike out the erroneous portion and insert the following : "Mr. Burton called for the reading of the bill under consideration; the Secretary commenced reading an Engrossed bill. Point of order is, that the bill to be read is the House Bill, and not the Engrossed bill." The Senate, however, refused to suffer the journals to be amended.

Now, in view of the foregoing facts, feeling that I have been placed most grossly and ridiculously wrong upon the journals, and that my rights as Senator have been disregarded and trampled upon, I most solemnly protest against said action of the Senate, in refusing to permit my point of order, written out and read before the announcement of the vote, to be put upon the journal. I hold that it is the right of any Senator to rise to, and state, a point of order, and if the Chair decides that point not well taken, to appeal from the decision thereof.

I also hold, that when any Senator requires such point to be reduced to writing, the Chair has no right to entertain an appeal from his decision thereon, until said requisition be complied with. In the present case, my point having been reduced to writing before the announcement of the vote, and the same distinctly read to the Senate, the question should have been put again upon said written point; and no Senator had a right to object to the same, on account of form or substance. In any event, whether correctly taken or not, my right to have my point placed upon the journal is unquestioned.

I do not wish to be understood as impugning the motives of Senators, or the President, in this matter. I design to vindicate the rules of this body, which I conceive have been most flagrantly violated. It has been urged, in excuse, that if my point had been placed upon the journal, it would place Senators in a false position. Be this as it may, I cannot see the propriety of bolstering up error by continued wrong, and, besides, it should be remembered that such a course has placed me in a false position. Had a reconsideration of the vote as erroneously announced, been had, Senators would not have been placed in so unpleasant a dilemma. Since, however, the majority have seen proper to pursue a different course, it is but left me, in order to set myself right upon the journals and before the country, to enter this my solemn protest against their action.

A. FRENCH.

Mr. Burton presented the following report :

*Mr. President :*

Your Committee on Enrollment presented to the Governor for his signature, on Friday, the 15th instant, An Act to provide for Settling the Boundary Line between the Counties of Marin and Sonoma.

E. F. BURTON.

According to previous notice, Mr. Burnett introduced an Act amendatory of, and supplementary to, the "Act to Incorporate the City of Marysville," approved March 5th, 1855, which was read a first and second times, and referred to the delegates from Yuba.

According to previous notice, Mr. Lippincott introduced a bill for An Act to amend an Act entitled "An Act to authorize the Formation of Corporations for the Construction of Plank and Turnpike Roads," passed May 12th, 1853, which was read a first and second times and referred to the Committee on Roads and Highways.

On motion of Mr. Mandeville, the Hon. E. McGarry was invited within the bar of the Senate.

According to previous notice, Mr. Cosby introduced a bill for An Act to Create three States out of the State of California, which was read a first and second times, and referred to the Judiciary Committee.

According to previous notice, Mr. Cosby introduced a bill for An Act entitled "An Act to amend, and supplementary to, an Act to apportion the Senatorial and Assembly Districts of this State," passed May 18th, 1853, which was read a first and second times and referred to the Judiciary Committee.

Leave being granted, Mr. Ferguson introduced a bill for An Act to provide for the Payment of the Salary of the County Judge of Sacramento County, which was read a first and second times and referred to the Judiciary Committee.

Leave being granted, Mr. Ferguson introduced a bill for An Act supplementary to an Act entitled "An Act to regulate the Settlement of the Estates of Deceased Persons," which was read a first and second times, and referred to the Judiciary Committee.

Leave being granted, Mr. Ferguson introduced a bill for An Act to Confirm Letters of Administration, Orders of Sale, Sales and Settlements of Estates Granted by Alcaldes, Prefects, Judges of the First Instance, or First Magistrate, between the first day of January, 1849, and the first day of June, A. D. 1850, which was read a first and second times, and referred to the Judiciary Committee.

According to previous notice, Mr. McCoun introduced a bill for An Act to abolish the Office of State Printer and to provide for the Public Printing, which was read a first and second times, ordered printed, and referred to the Printing Committee.

According to previous notice, Mr. Norman introduced the following bills :

An Act to amend an Act entitled "An Act to provide for the Formation of Corporations for Certain Purposes," approved April 14th, 1853.

An Act to amend an Act entitled "An Act concerning Corporations," passed April 22d, 1850.

On motion of Mr. Norman, the above bills were referred to a Select Committee of three.

The Chair appointed the following Senators said Committee : Messrs. Norman, Wilson and Mandeville.

Mr. French presented the following weekly Senate Account of Postage, which was referred to the Committee on Contingent Expenses.

POST OFFICE, }  
Sacramento City, Cal., Feb. 25th, 1856. }

*Senate of the State of California to Ferris Forman, Postmaster, Dr.*

February 18, To Postage on Letters.....	\$4 50
19,       "       ".....	7 50
20,       "       ".....	9 50
21,       "       ".....	4 50

February 22, To Postage on Letters.....	\$2 75
23, " " .....	75
670 Newspapers.....	6 70
720 Pamphlets and Documents.....	17 50
	<hr/>
	\$53 70

Mr. Lippincott gave notice that he would, at an early day, introduce a bill to make the Tax of Yuba County receivable in County Scrip.

Mr. Bynum gave notice that he would, on to-morrow, introduce a bill for An Act entitled An Act for the relief of Luther Wright.

Mr. Ashley, from a Select Committee, reported back Senate Bill for An Act extending the time for Presentation and Allowance of Claims against the Estate of S. A. Booke, deceased, in the County of Sonoma, which was placed on the Calendar.

Mr. Burton presented the following report :

*Mr. President :*

Your Committee on Finance, to whom was referred Assembly Bill No. 38, An Act making Appropriations for the Civil Expenses of Government of the State, report a substitute for the same, and recommend its passage.

E. T. BURTON.

Mr. Lippincott moved to strike out the portion of the bill relating to Sheriffs, which was lost.

The bill was then read a third time and passed.

Mr. Bynum presented the following report :

*Mr. President :*

Your Special Committee to whom was referred Senate Bill No. 22, entitled An Act to fix the Times of holding the Terms of the District Court in the Seventh Judicial District, report the same back, with an amendment to the third subdivision of the first section, and recommend the passage of the same as amended.

S. BYNUM,  
Chairman.

The bill was read a third time and passed.

Mr. Ashley offered the following resolution, which was adopted :

*Resolved*, That a Special Committee of three be appointed to examine and report upon all claims against the State for advertising in the various newspapers the Amendments to the Constitution, Thanksgiving Proclamations, Rewards, Swamp Land Sales, and other official advertisements, and the Committee is authorized to report an Act for the payment of all the claims which they deem just, and also to provide for such publications in future.



The Chair appointed Messrs. Ashley, Cosby and McCallum said Committee.

Mr. Cosby offered the following concurrent resolution, which was adopted :

*Resolved*, By the Senate, the Assembly concurring, that the officers of this State in command of the various expeditions against the hostile Indians, be authorized to sign their names officially to such muster-rolls as have not the certificate properly attached thereto.

Mr. Hook presented the following petition, which was referred to the Committee on Public Morals and Police :

*To the Honorable the Members of the Legislature of the State of California :*

We, the undersigned, citizens of El Dorado County, in said State, hereby petition your Honorable Body to enact a special law for said county, compelling all merchants, traders, and other inhabitants thereof, except Physicians, in the practice of their profession, to abstain from business, and to better observe the day known as the Christian Sabbath.

Signed,

S. F. MARQUIS,  
And 22 others.

Mr. Burton gave notice that he would, at an early day, introduce a bill to fix the time for the commencement of the terms of office of the county officers of Nevada County.

On motion of Mr. Flint, the Senate took up and considered as in Committee of the Whole, Senate Deficiency Bill No. 58.

After some time so spent, the Committee rose and reported the bill back to the Senate.

Mr. McCoun moved to refer the bill to the Special Committee created under Mr. Ashley's resolution relating to the publication of official advertisements, etc., with instructions to report on Thursday next.

Carried.

The following communication was received from his Excellency, the Governor :

EXECUTIVE DEPARTMENT, }  
February 23d, 1856. }

*To the Honorable the Senate of the State of California :*

I have this day approved a bill originating in the Senate, entitled "An Act for Settling the Boundary Line between the Counties of Marin and Sonoma."

I have the honor to be,  
Your obedient servant,

J. NEELY JOHNSON.

The following message was received from the Assembly :

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed Assembly concurrent resolution in relation to the explorations of the Colorado River.

The resolution is herewith submitted, and the concurrence of the Senate respectfully requested.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

*Resolved*, By the Assembly, the Senate concurring, that our Senators and Representatives in Congress be, and they are hereby, requested to take all measures that may be necessary, at Washington, to obtain a complete and thorough exploration of the River Colorado and Fort Yuma, to its source.

*Resolved*, That his Excellency, the Governor, is hereby requested to forward copies of this resolution to our Senators and Representatives in Congress.

On motion, the Senate concurred in the resolution.

The following message was received from the Assembly :

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed Assembly concurrent resolution in relation to establishing a Port of Entry at Bucksport, in Humboldt Bay.

The resolution is herewith submitted, and the concurrence of the Senate respectfully requested.

Also, passed Assembly Bill No. 98, An Act to Aid the Officers of the Indian Department, approved by the General Government for the State of California, in the Discharge of their Duties.

Also, passed Judiciary Committee Substitute for Assembly Bill No. 63, An Act to authorize the Sheriffs of Tuolumne and Trinity Counties to collect Licenses in said Counties.

Also, have concurred in Senate amendment to Assembly Bill No. 58, An Act to Incorporate the Town of Eureka.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Bill No. 63, An Act to authorize the Sheriffs of the Counties of Tuolumne and Trinity to collect Licenses in said Counties, was then taken up, read a first and second times, and referred to the Tuolumne and Trinity delegations.

Assembly Bill No. 98, An Act to aid the Officers of the Indian Department appointed by the General Government for the State of California, in the discharge of their duties, was read a first and second times and referred to the Judiciary Committee.

The following Joint Resolution was then read :

On motion of Mr. Shaw, amended by striking out the definite article "the," in the fourth line, and inserting the indefinite article "a," and on motion concurred in.

*Resolved*, By the Senate and Assembly, that our Senator be instructed, and our Representatives be requested to use their exertions to procure a Collection District in the northern portion of this State and to establish the Port of Entry at Bucksport, Humboldt Bay.

*Resolved*, That the Governor be requested to forward a copy of this resolution to each of our Senators and Representatives in Congress.

Senate Bills Nos. 80 and 81 were read a second time and referred to the Sacramento delegation.

The following protest relating to these bills was read and similarly referred:

*To the Hon. the Senate of California :*

GENTLEMEN : The undersigned, members of the Board of Supervisors of Sacramento County, having noticed in the published proceedings of your Honorable Body the introduction of a bill, by one of the Senators representing Sacramento County, for An Act to allow the Recorder of Sacramento to pay into the treasury of said city, all fines and forfeitures assessed and collected in said Court in cases where the People of the State are plaintiff, and that no action shall be maintained against said City Authorities for the recovery of such fines and forfeitures as have been collected and paid into the treasury of said city.

Also, a bill to cancel a judgment obtained by said county in the name of the People of the State, and against the city, for the sum of \$40,000, which judgment was for the amount of fines and forfeitures collected in said Recorder's Court prior to May 1st, 1854 ; and since the last mentioned date, there has been assessed and collected in said court, of fines and forfeitures, in cases where the People of the State were plaintiff, the sum of \$31,621, no part of which has been paid into the County Treasury, as the laws of the State require.

There have been prisoners imprisoned in the County Jail, in default of fines assessed in said court, since May 1, 1854, 14,463 days, at a cost to the county—

For Food, of.....	\$11,559
For Expense of Guard.....	2,200
For District Attorney's Fees.....	5,425
For Recorder's Fees.....	780

Total paid out of County Treasury since May 1, 1854. . . \$19,964

in cases arising in Recorder's Court.

In view of the foregoing facts, we most solemnly protest against the passage of said Acts, as being unjust, and detrimental to the interests of the county we represent.

JOSIAH JOHNSON, }  
S. R. CALDWELL, } Supervisors.  
L. R. BECKLEY, }

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills have examined Senate Bill No. 22, An Act to fix the Time of holding the Terms of the District Court in the Seventh Judicial District, and find the same correctly engrossed.

McCALLUM,  
Chairman.

Mr. Mandeville gave notice that he would, at an early day, introduce an Act to amend "An Act concerning Fraudulent Conveyances and Contracts," passed April 19th, 1850.

Assembly Substitute for Assembly Bill No. 14, was taken up, and on motion of Mr. Burton, indefinitely postponed.

Senate Bill No. 17, An Act to amend an Act entitled "An Act concerning the Courts of Justice of this State and Judicial Officers," passed May 19th, 1853, was read a second time and ordered to be engrossed for a third reading to-morrow.

Assembly Bill No. 64, An Act entitled an Act to settle the Boundary Line between the Counties of Klamath and Humboldt, was read a third time and passed.

On motion of Mr. Norman, the Senate adjourned.

---

## IN SENATE.

WEDNESDAY, February 27th, 1856.

Senate met pursuant to adjournment.

Lieutenant-Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of yesterday read and approved.

Mr. Coffroth presented the following remonstrance, which was referred to the Senators from the Fifth Judicial District.



*To the Honorable the Senate and Assembly of the State of California :*

We, the undersigned, members of the bar of Amador County, and within the Fifth Judicial District, understanding that a petition has been presented to your honorable body, praying for a division of the Fifth Judicial District, and for creating a new Judicial District out of the Counties of Amador and Calaveras, do most earnestly beg leave to remonstrate against any action in the premises by your honorable body; and, as a reason therefor, would respectfully state, that in our opinion the creation of the proposed new Judicial District would entail upon the tax payers within the present District heavy additional expense, without adequate returns.

We beg leave further to remonstrate against any action in the premises, for the further reason that our present Judge, the Hon. Chas. M. Creanor, although his duties are arduous, yet we know him to be physically, mentally and legally competent to meet and discharge them promptly. In this County, the docket of the District Court has been cleared at each term of the Court, and we desire no change.

Signed,

M. W. GORDON,  
And 10 others.

Mr. Tilford presented the following petitions, which were referred to the Judiciary Committee.

*To the Hon. the Senate and Assembly of the State of California :*

We, the undersigned, merchants and dealers in liquors, would most respectfully petition your honorable body to continue the office of State Gauger for the Port and City of San Francisco.

The law, since the commencement of its operation, has served as a check against fraud and has stopped, to a great extent, the shipping to this market of packages incorrectly marked. In the sale of liquors, they are necessarily required to be gauged by having them submitted to an officer appointed by law, which gives more satisfaction to both buyer and seller, and prevents difficulty, which would otherwise often arise by not having the certificate of a responsible officer.

GOODWIN & CO. & MEEKER,  
And 107 other Firms.*To the Hon. the Senate and House of Assembly:*

We, the undersigned, merchants of the City of San Francisco, respectfully represent to your honorable bodies, that we have heard it was contemplated by your honorable bodies to repeal the Act entitled "An Act for the appointment of Gauger for the Port of San Francisco." We beg most respectfully to protest against such repeal, as the law has been productive of the most salutary effects, beneficial alike to the vendor and purchaser.

LOWE, EBBETTS &amp; CO.,

San Francisco, Feb. 8th, 1856.

And 15 others.

Leave being granted, Mr. Tilford introduced a Bill for the relief of Insolvent Debtors and the protection of Creditors, which was read a first and second times, ordered printed, and referred to the Judiciary Committee.

Mr. Westmoreland gave notice that he would introduce at an early day a Bill amendatory of "An Act to Regulate Elections," passed March 23d, 1850.

Mr. Coffroth gave notice that he would, at an early day, introduce a Bill for an Act to incorporate Water Companies.

Mr. Westmoreland presented the following majority report of the Committee on Mines and Mining Interests.

*To the Honorable the Legislature of the State of California :*

The Committee on Mines and Mining Interests, to whom was referred Senate Bill No. 11, relating to the tax now levied and collected from that portion of the residents of this State ineligible by law to become citizens, and is understood as repealing the Statute now in force, passed — day of — 1855, have had the same under advisement, and after the best investigation they were able to give the subject, return the same to the body whence it originated, and recommend its passage.

Your Committee are aware that the objects sought to be accomplished by the enactment of this law elicit the utmost diversity of opinion from all who have examined the subject, not only in regard to the expediency or propriety of the particular law now recommended to the favorable consideration of the Legislature, but extending further, and embracing the question of the policy of tolerating, under any circumstances, the presence of this unfortunate people in our midst, as well as the further question of the constitutionality of any law on the subject. Deeply impressed with the importance of the matter under investigation, and fully aware that the public mind is looking anxiously to the course about to be taken by this body, your Committee have in deference to these facts availed themselves of every accessible means of information, and arrive at the conclusion that the law now in force was passed and became a law without due investigation. In other words, we would be understood distinctly as condemning it as a hasty, imprudent and mischievous piece of legislation, unauthorized by the existence of any evil at the time in view, or demanded by any fair expression of public opinion. Those who oppose and denounce the propriety of passing this Bill urge that these people exhaust our mines and subtract from our wealth by carrying to their remote homes the gold they produce ; and that being an inferior race, ignorant and bigoted as well as cruel and selfish, that we, as a people, lose something in the way of dignity and personal self-respect by association with them. They further urge that this people, though extracting from our mines a vast amount of gold, yet are, to a very limited extent, consumers of the agricultural productions of the State, or at any rate, that there is the widest possible margin between what they receive, and what they disburse. These reasons are entitled to great consideration, as it is believed that they include the main grounds of opposition to this bill.

California possesses illimitable wealth. Between the snowy mountains which make her eastern boundary and the wide rolling Pacific, are cradled riches surpassing in extent the magnificence of all other lands. Her soil is rich in every generous production which the earth ever yielded to her children. Her mountains and hills reek with a metal which has, through all time, controlled the world. These mighty resources are undeveloped for the want of population, and our country, fully aware of these facts, has ever made it her policy, to which so much of our national greatness is to be attributed, to invite hither all who had the strength and will to labor. This invitation may not have been an express one, but it is known to have been our policy ; and if it was implied and not ex-

pressed, it is the more cordial because of that fact ; and as they are here, additional argument why we should deal justly with them can be derived from this view of the matter.

The mines of California are neither exhausted of their wealth or crowded by excess of population ; on the contrary, they are scarcely developed, and there is room for all who are willing to work. There is room, yes, a demand, in California, for a million of men. It is in the knowledge of all who are conversant with this branch of our subject, that this people labor only in placers abandoned and condemned by others whose ideas of the value of money are more liberal than theirs ; and that on account of their frugal habits, and the cheap character of the food they consume, they are able to procure adequate remuneration for their patient toil in places where another would find it difficult, if not impossible, to procure a subsistence. It may not be our policy to invite them hither ; however this may be, it is certainly not good policy or sound morals to attempt, by the enactment of oppressive sumptuary laws, to drive them hence, especially when they had no notice before coming that such would be the line of policy pursued by us toward them. The law, as it now stands, is well calculated to defeat the very object for which it was passed, by reducing them to a condition of such abject penury that they will never be able to leave, or do anything else. It is strange that this reflection did not cross the minds of the astute gentlemen concerned in its passage. Most of the gold produced by them is left in the State ; yet even if it were not, it is not, because of that fact, lost to us or to mankind, but yet remains as so much of the aggregate wealth of the world, in the reach of any one who has an equivalent to offer therefor. These people do not crowd our poor houses—"they are not found begging on street corners"—they are scarcely ever seen in our courts—in our prisons, they are scarcely ever met. Yet if all this were true, and they were really a bad people, would it be good to take their money and effects from them, reduce them to abject poverty, and thus incidentally force them into crime ? It may be proper to adopt measures to rid the country of them ; if so, send them out ; but do not attempt to do so by legalizing a crusade of questionable decency against the property they have made here, or brought with them to this country.

Again, they are a weak people, and are at our mercy, and it is certainly not the policy of a proud, powerful and magnanimous nation, to oppress any one,—least of all, a class of defenseless strangers.

Again. For the last one hundred and fifty years, the commerce of the nation of which this people are representatives, has been considered, and is now deemed to be one of the richest prizes for which a nation struggles ; up to this time, no one particularly can be said to have borne off the palm. The contest is yet unsettled, and the lists are yet open—while from our geographical position we possess great advantages, facing them, as we do, across the sea.

The United States, fully impressed with this important matter, has signaled, in the most emphatic manner, a desire not only to continue and perpetuate, but to create further friendship with these nations by sending thither, on a very recent occasion, one of its best appointed fleets.

In this connection it may not be inappropriate to observe—That the history of our country, inculcating as it does, the highest political maxims which the mind of man is capable of comprehending, also teaches as it were, a political morality, and recognizes, if it does not directly inculcate, a belief in the sanctity of our Christian faith. In ages past and gone, our race separated from this people. Their lot lay to the east, and darkness has covered them with a mantle. Ours lay to the west ; and be it said, in no feeling of vanity or gratulation, that around our path, and over our destiny, has been shed a bright refulgent light



by which we ever have read and taught, as our cardinal maxims, Virtue and Morality, Faith, Hope and Charity.

In this remote land—the westernmost track in the tread of empire, we meet again. Let us not signalize this meeting by an act of unprovoked oppression. They learn many things by association with us. They perhaps return to their own land, to speak of the lessons they have received in this. Would it not be wrong—aye, even sinful—to teach them that we, who boast of ourselves as being in the van of civilization, and living evidences of the might of faith, of the fruition of hope, and of that charity which does to others as it would be done by, yet were found deficient in all these generous attributes, and were only bigoted, proscriptive and intolerant?

These questions belong to the casuist, but your Committee cannot forbear all mention of them.

In regard to the assertion that society is corrupted by the presence of this class, your Committee are unable to sanction a proposition so little complimentary to the intelligence and dignity of the American character. Intelligent men do not copy their inferiors, nor is the tendency of human mind downwards. Any one who would be corrupted by any association of this sort, is already, by Nature, beyond the reach of redemption, or the power of recall.

Negatively, we think that they have done us no harm,—they have certainly done us a great deal of positive good, in the way of contributions towards the support of our government.

The Chairman of your Committee addressed a note to our efficient and polite Controller of State, requesting a statement of the amount received into the State Treasury from this source—we here beg leave to introduce his kind reply :

OFFICE OF CONTROLLER OF STATE, }  
January 18, 1856. }

HON. CHAS. WESTMORELAND,

*Chairman of the Committee on Mines and Mining Interests :*

SIR: Your favor requesting “the amount of revenue received into the State Treasury from the sale of Foreign Miners’ Licenses, from the enactment of the law relating thereto, up to the present time,” was duly received. Below I have the honor to submit a statement, which I trust will be satisfactory :

Receipts, 2d fiscal year.....	\$29,991 20
“ 3d “ .....	1,002 53
“ 4th “ .....	53,121 01
“ 5th “ .....	100,557 92
“ 6th “ .....	123,323 25
“ from July 1st, 1855, to Jan. 12, 1856.....	121,436 00

Total receipts from Foreign Miners’ Licenses.... \$429,434 91

Respectfully, your obedient servant,

GEORGE W. WHITMAN,  
Controller of State.

An amount at least equal to this has been paid into the various County Treasuries, and the whole of this revenue is jeopardized by the law now in force.



El Dorado is believed to be one of the most important mining counties in the State.

The treasury of that county received from this source, in—

1853.....	\$10,042 62
1854.....	26,649 97
1855.....	57,270 05
29th Sept., 1855, to Dec., 1855.....	8,404 00
Making.....	<hr/> \$102,426 64

—While the same amount has gone into the State Treasury from this county.

This fund so paid into our County and State Treasuries, has had a most marked and important influence on our financial history and standing. By the action of the law now in force, in the county referred to, there is a monthly diminution of \$2,349 78, or annually of \$28,197 36, from what has been received in former periods.

Are we in a condition to disregard this important branch of our municipal revenue? It seems to your Committee that we are not in any such position.

These people have always been willing to pay four dollars per month, but refuse to pay six, when by the action of the law itself it is to be regularly increased, thereby driving them to bankruptcy geometrically. They will not pay it, and are generally too poor to leave the country.

This report, already extended, as it has unavoidably been, to a great length, only embraces a very few of the arguments, and those hastily expressed, on this important subject.

CHAS. WESTMORELAND,  
Chairman.  
JOHN D. COSBY.

Mr. Mandeville moved to make the subject embraced in the report the special order for Wednesday, 12th of March next.

Mr. McCallum moved to amend by making it the special order for Wednesday, 5th of March.

Upon which the ayes and noes were demanded by Messrs. Mandeville, French and Flint, with the following result :

AYES.

Messrs. Ferguson, Fiske, Hawthorne, Hook, McCallum, McCoun, McGee, McNeill, Norman, Rust, Westmoreland and Wilson—12.

NOES.

Messrs. Burnett, Burton, Bynum, Coffroth, Cosby, Crandall, Day, De la Guerra, Dosh, Flint, French, Gove, Mandeville, Scellen, Shaw, Tilford and Waite—17.

So the motion was lost.

The question recurring upon making the subject the special order for Wednesday, 12th of March, it was carried.

On motion of Mr. Norman, one thousand copies of the report were ordered to be printed.

The hour for the special order having arrived, Substitute for Senate Bill No. 12, An Act for the protection of Actual Settlers, and to Quiet Land Titles in this State, and for other purposes concerning Real Property; Senate Bill No. 12, and Senate Bill No. 23, on the same subject,—were taken up.

Mr. McCoun moved to recommit the special order to the Judiciary Committee, with instructions to report within one week.

Upon which the ayes and noes were demanded by Messrs. Ashley, Lippincott and Heintzelman, with the following result :

AYES.

Messrs. Burnett, Bynum, Crandall, Day, Dosh, Ferguson, Fiske, Hawks, Hawthorne, Mandeville, McCallum, McCoun, McGee, McNeill, Norman, Rust, Shaw and Tilford—18.

NOES.

Messrs. Ashley, Burton, Coffroth, Cosby, De la Guerra, Flint, French, Gove, Heintzelman, Hook, Lippincott, Seellen, Waite and Wilson—14.

So the motion prevailed.

The following communication was received from his Excellency the Governor :

EXECUTIVE DEPARTMENT, }  
Sacramento, February 27th, 1856. }

*To the Senate of California :*

I have this day approved a bill, originating in the Senate, entitled "An Act in relation to the Sureties on the Official Bond of Henry K. Swope, late Sheriff of Tuolumne County."

I have the honor to be,  
Your obedient servant,

J. NEELY JOHNSON.

The following message was received from the Assembly :

*Mr. President :*

ASSEMBLY CHAMBER, }  
February 27th, 1856. }

I am directed to inform the Senate that the Assembly this day passed Bill No. 112, An Act to establish the County Seat of Humboldt County.

Also, passed the following concurrent resolution.

Respectfully submitted.

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Substitute No. 112, was then read a first and second times, and referred to the Committee on Counties and County Boundaries.

The following concurrent resolution was read, and referred to the Committee on State Prison :

*Resolved*, The Senate concurring, that a Committee of two from the Assembly and — from the Senate be, and are hereby, appointed to examine and report upon a suitable location for the State Prison, or Penitentiary ; having regard, First, to suitable raw material to be worked by the convicts ; Second, the advantages of carriage to and from said location, by railroad or water, or both ; Third, a market for the proceeds of the labor of the convicts ; Fourth, all the advantages for and against said location ;—and that they be required to report at the earliest possible day.

The following message was received from the Assembly :

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed Assembly Bill No. 90. An Act to submit the question of the Removal of the County Seat of Amador County to the choice of the Voters of the County.

Also, passed Senate Bill No. 22, An Act to fix the Times of holding the Terms of the District Court in the Seventh Judicial District.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Bill No. 90, was taken up, read a first and second times, and referred to Senator Crandall.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills have examined Senate Bill No. 17, A Bill for an Act to amend an Act entitled "An Act concerning the Courts of Justice of this State and Judicial Officers," passed May 19th, 1853, and find the same correctly engrossed.

McCALLUM,  
Chairman.

Mr. Tilford presented the following report :

*Mr. President :*

The Committee on Enrollment on the 20th inst., presented to his Excellency

the Governor, for his signature, An Act entitled an Act in relation to the Sureties on the Official Bond of H. K. Swope, late Sheriff of Tuolumne County.

The Committee have also examined, and found correctly enrolled, the joint resolution requesting our Senators and Representatives in Congress to use their endeavors to procure certain amendments of the existing revenue laws of the United States.

Respectfully,

F. TILFORD,  
Chairman.

Mr. Lippincott offered the following resolution :

*Resolved*, That Mr. Biven, the Assistant Secretary, be empowered to employ a Clerk.

Mr. Ashley offered the following substitute, which was adopted :

*Resolved*, That the Chief Secretary is authorized to appoint not to exceed four Under or Copying Clerks, including those at present appointed, and the Assistant Secretary is empowered to appoint one such Clerk.

On motion of Mr. Ashley, the vote on the resolution was reconsidered.

Mr. Ferguson moved to amend the resolution by striking out the word "four," and inserting "five."

Agreed to.

On motion of Mr. Coffroth, the Senate adjourned.

---

## IN SENATE.

THURSDAY, February 28th, 1856.

Senate met pursuant to adjournment.

Lieutenant-Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of yesterday read and approved.

Mr. Fiske presented a petition from ladies and other citizens of El Dorado County, praying for the passage of a law for the better observance of the Sabbath.



Referred to the Committee on Public Morals and Police.

Leave being granted, Mr. Cosby introduced a bill for An Act for the employment of Convicts in the County Jail.

Read a first and second times and referred to the Judiciary Committee.

Mr. Bynum introduced a bill for An Act to provide for the Payment of Thos. F. W. Price for services rendered, money expended and supplies furnished the Volunteers in an expedition under his command against the hostile Indians in the northern portions of Yolo and Napa Counties, during the year one thousand eight hundred and fifty-one.

Read twice and referred to the Committee on Claims.

Mr. Tilford presented the following report :

*Mr. President :*

The Committee on Enrollment have examined and find correctly enrolled the Joint Resolution in relation to Lieut. Thomas H. Stephens and Lieut. Fabias Stanley.

TILFORD,  
Chairman.

Mr. Bynum introduced a bill for An Act entitled An Act for the relief of Luther Wright.

Read twice and referred to the Committee on Claims.

Mr. Westmoreland presented the following report :

*Mr. President :*

The Committee on Mines and Mining Interests, to whom was referred Senate Bill No. 29, return the same to the Senate and recommend that it be indefinitely postponed, the Committee having recommended the adoption of Senate Bill No. 11, which embraces precisely the same points.

WESTMORELAND,  
Chairman.

The bill was read a first and second times and referred to the Committee on Mines and Mining Interests.

Mr. Hook, from the Committee on Roads and Highways, reported back Senate Bill No. 83, for An Act to amend an Act entitled An Act to authorize the formation of Corporations for the construction of Plank and Turnpike Roads, passed May 12th, 1853, with the recommendation that it be referred to the Committee on Corporations.

The bill was so referred.

Mr. Mandeville presented the following report :

*Mr. President :*

The Committee on Claims, to whom was referred Assembly Bill No. 47, An Act to authorize the issue of a School Land Warrant to Thomas Baker, have duly considered the same and recommend its passage.

J. W. MANDEVILLE.

Mr. Flint presented the following report, which was adopted :

*State of California, to J. L. Howard, Dr.*

To 26 days' services as Clerk of the State Prison Committee, Senate....	\$195
To Mileage from Sacramento to State Prison.....	62
To cash paid for Stationery, etc.....	5
	<hr/>
	\$262

I certify that the above services were performed and the account correct.

JOHN B. MCGEE,  
Chairman of State Prison Committee.

We certify that the above account is correct. The Controller will draw his warrant, payable out of the Contingent Fund of the Senate, for the above amount.

WILSON FLINT,  
W. H. McCOUN,  
PABLO DE LA GUERRA.

Mr. Ashley presented the following report, from the Committee of Conference, on the bill fixing Salaries of the Legislative Attaches :

*To the Senate and Assembly of the State of California :*

Your Conference Committee on the disagreeing votes on Assembly Bill No. 5, concerning the per diem of officers, have considered the subject and not wishing materially to reduce the pay of the present incumbents, who took the offices expecting to be paid at the present rates, but being desirous of providing for a substantial reduction of Legislative expenses, have agreed to present an Act placing the pay at the rates proposed in said Assembly Bill, up to the 10th day of April next, from and after which time the pay will be reduced about 25 per cent. This compromise saves a little expense for the present Session and fixes a moderately lower rate of pay for the next.

The Committee unanimously recommend the Act as agreed upon by the Conference Committee.

D. R. ASHLEY,  
Chairman Senate Committee.  
FRANK TILFORD,  
JAMES W. COFFROTH.

A. M. STEPHENSON,  
Chairman Assembly Committee.  
HORACE HAWES.

Assembly Bill, No. 5, went to its place on the Calendar.

Senate Bill, No. 17, for An Act to amend an Act entitled "An Act concerning Courts of Justice of this State and Judicial Officers," passed May 19th, 1853, came up on its third reading.

Mr. Coffroth moved to lay the bill upon the table.

Upon which the ayes and noes were demanded by Messrs. McCallum, Hook and French, with the following result :

AYES.

Messrs. Coffroth, Crandall, Fiske, Flint, French, Hook, Mandeville, McNeill, Norman, Scellen and Wilson—11.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Day, Dosh, Gove, Heintzelman, McCallum, Shaw and Waite—12.

So the motion was lost.

On motion of Mr. Coffroth, the bill was made the special order for to-morrow at 2 o'clock, P. M.

On motion of Mr. Hook, the Hon. John T. Crenshaw was invited within the bar of the Senate.

Mr. Burton presented the following report :

*Mr. President :*

Your Committee on Enrollment have examined and find correctly enrolled An Act to fix the Times of holding the Terms of the District Court of the Seventh Judicial District.

E. T. BURTON.

Mr. Cosby presented a petition and remonstrance from citizens of Humboldt County, for and against the removal of the County Seat of that County.

Referred to the Committee on Counties and County Boundaries.

Bills on the Calendar—

Senate Bill, No. 48, was taken up, considered, and on motion, laid on the table.

Senate Bill No. 54, was taken up and made the special order for Monday next, at 12 o'clock, M.

Senate Bill No. 50, and Assembly Substitute, was taken up.

A motion having been made to suspend the rules of the Senate and order the bill read a second time, Mr. Mandeville raised the point of order, that it was not in order to read a bill more than once on the same day, if one member objected.

The Chair, (Mr. Rust,) decided the point of order not well taken.

Mr. Mandeville appealed from the decision of the Chair.

The question being : "Shall the decision of the Chair stand as the judgment of the Senate?"

The ayes and noes were demanded by Messrs. Mandeville, Day and Flint, with the following result :

AYES.

Messrs. Burnett, Burton, Bynum, Day, Dosh, Ferguson, Fiske, Flint, Hawks, Hawthorne, McCallum, McCoun, McGee, McNeill, Scellen, Shaw, Waite and Wilson—18.

NOES.

Messrs. Coffroth, Cosby, Crandall, De la Guerra, French, Gove, Heintzelman, Hook, Mandeville, Norman and Tilford—11.

So the decision of the Chair was sustained.

Senate Bill No. 61, concerning Divorces, was taken up, and on the motion to lay the same on the table, the ayes and noes were demanded by Messrs. Mandeville, Heintzelman and Fiske, with the following result :

AYES.

Messrs. Burton, Dosh, Flint, French, Gove, Heintzelman, Mandeville, Rust and Waite—9.

NOES.

Messrs. Ashley, Burnett, Coffroth, Cosby, Crandall, Day, Ferguson, Fiske, Hawks, Hawthorne, Hook, Lippincott, McCallum, McCoun, McGee, McNeill, Norman, Scellen, Shaw and Wilson—20.

So the motion was lost.

Mr. Burton moved that the bill be indefinitely postponed.

On motion of Mr. McCallum, the bill was made the special order for to-morrow at 12 o'clock, M.

At the suggestion of Mr. McCoun, Mr. Ashley, Chairman of the Select Committee on the Deficiency Bill, etc., made a verbal report, asking further time.



On motion, the Committee were granted further time.

Mr. Heintzelman moved to adjourn, upon which the ayes and noes were demanded by Messrs. Hook, Ashley and Heintzelman, with the following result :

## AYES.

Messrs. Burton, Cosby, Dosh, Heintzelman, Mandeville and Tilford—6.

## NOES.

Messrs. Ashley, Burnett, Coffroth, Day, Ferguson, Fiske, Flint, French, Gove, Hawks, Hawthorne, Hook, Lippincott, McCallum, McCoun, McNeill, Seellen, Shaw and Wilson—19.

So the Senate refused to adjourn.

Mr. Burnett gave notice that he would, on to-morrow, introduce a bill entitled An Act to increase the Number of Fire Companies in the City of Marysville.

Leave being granted, Mr. Hawthorne introduced a bill for An Act to repeal "An Act to enforce the Payment of Licenses in the State," passed April 1st, 1853, which was read a first and second times, and referred to the Judiciary Committee.

On motion of Mr. Hawthorne, the Senate adjourned.

---

IN SENATE.

FRIDAY, February 29th, 1856.

Senate met pursuant to adjournment.

Lieutenant-Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of yesterday read and approved.

On motion of Mr. Flint, leave of absence for one day was granted to Mr. McGlenchy, Door-Keeper of the Senate.

Mr. Coffroth presented a communication and accompanying papers from the former Board of State Prison Directors, which were referred to the State Prison Committee, with instructions to order printed such portions of the same as might be deemed proper.

Mr. Burnett presented a petition from the Mayor and Common Council of Marysville and the Board of Delegates of the Fire Department, asking such legislative enactment as would secure an increase in the number of engine companies of that city, which was referred to the Yuba Delegation.

Mr. Burton presented the following report :

*Mr. President :*

Your Committee on Enrollment presented to the Governor, on yesterday, for his signature, An Act to fix the Times of holding the Terms of the District Court in the Seventh Judicial District. Also, a joint resolution relating to Lieutenants Stanley and Stephens.

E. T. BURTON.

Mr. Crandall presented the following report :

*Mr. President :*

The Select Committee to whom was referred Assembly Bill No. 90, have had the same under consideration, and respectfully report the same back to the Senate, with amendments, and recommend its passage.

D. CRANDALL.

The bill was read a first and second times, amended, and to the motion to read the same a third time, the ayes and noes were demanded by Messrs. Crandall, Norman and Heintzelman, with the following result :

AYES.

Messrs. Ashley, Burnett, Bynum, Cosby, Crandall, Dosh, Fiske, Flint, French, Hook, Lippincott, McCallum, McGee, McNeill, Norman, Scellen, Shaw, Tilford, Waite and Wilson—20.

NOES.

Messrs. Burton, Gove, Heintzelman and Mandeville—4.

So the motion prevailed, and the bill was read a third time and passed.

Mr. Hawthorne presented a petition from citizens of Ophir and vicinity, praying the enactment of a law for the better observance of the Sabbath, which was referred to the Committee on Public Morals and Police.

Mr. Flint offered the following resolution :

*Resolved*, That the Controller of State is hereby authorized to draw his war-

rant on the Treasurer in favor of J. L. Howard, for five hundred and sixty-two dollars, for services as Clerk to the State Prison Committee, and the same shall be paid out of the Contingent Fund of the Senate.

On motion of Mr. Ashley, the resolution was amended by striking out the words "sixty-two."

Mr. Heintzelman moved to amend the resolution by inserting the word "joint" before the words State Prison Committee, which was agreed to.

On the question of adopting the resolution as amended, the ayes and noes were demanded by Messrs. Rust, Fiske and Mandeville, with the following result :

AYES.

Messrs. Ashley, Burton, Bynum, Day, Dosh, Fiske, Flint, Gove, Hawthorne, Hook, McCoun, McGee, Scellen and Wilson—13.

NOES.

Messrs. Burnett, Cosby, French, Heintzelman, Mandeville, McNeill, Rust, Shaw and Tilford—9.

So the resolution was adopted.

Mr. Scellen presented the following report :

*Mr. President :*

The Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 112, An Act to establish the County Seat of Humboldt, report the same back, and recommend its passage.

JOHN D. SCELLEN,

Chairman.

The bill was taken up, read a third time, and passed.

The following message was received from the Assembly :

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed Assembly Bill No. 91, An Act relative to the Court of Sessions and Board of Supervisors of San Joaquin County.

Also, Bill No. 139, An Act concerning the Collection of Taxes now due in the County of San Francisco.

Also, Bill No. 136, An Act authorizing the Sheriff of Alameda County to proceed and collect the Delinquent Taxes for the years 1854 and 1855.

Respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

Assembly Bill No. 139, relative to the collection of taxes in San Francisco County, was taken up and read a first and second times.

Mr. Heintzelman moved to suspend the rule that the bill might go to a third reading.

On motion of Mr. Burton, the Senate went into Committee of the Whole for the consideration of the bill.

After some time spent therein, the Committee rose and reported back to the Senate.

Mr. Ashley offered the following amendment to the concluding portion of the first section of the bill :

*" Provided, further, That before proceeding to act under the provisions of this law, said late Sheriff, Wm. R. Gorham, shall give additional surety in the sum of \$200,000, the undertaking and the sureties to be approved in the same manner as the official bond of the Sheriff. And the sureties on the undertaking shall be held responsible for the good conduct of said Gorham, and for all moneys now in his hands, and all which may come into his hands, as Tax Collector.*

On the question of adopting the amendment, the ayes and noes were demanded by Messrs. Ashley, Burton and Fiske, with the following result :

AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Day, Hawthorne, Hook, Mandeville, McCallum, McCoun, McGee, Scellen and Waite—13.

NOES.

Messrs. Coffroth, Crandall, Dosh, Fiske, Flint, French, Gove, Hawks, Heintzelman, Lippincott, McNeill, Rust, Tilford and Wilson—14.

So the amendment was rejected.

The question recurring on the passage of the bill, the ayes and noes were demanded by Messrs. Ashley, McCallum and Burton, with the following result :

AYES.

Messrs. Crandall, Dosh, French, Gove, Hawks, Heintzelman, Lippincott, Tilford and Wilson—9.

NOES.

Messrs. Ashley, Burton, Bynum, Day, Fiske, Hawthorne, Mandeville, McCallum, McCoun, McGee, McNeill, Rust, Scellen and Waite—14.

So the motion was rejected.



Assembly Bill No. 91, relative to the Court of Sessions of San Joaquin County, was read a first and second times, and referred to the Senator from San Joaquin County.

Assembly Bill No. 136, relative to the collection of taxes in Alameda County, was taken up, read a first and second times, and considered in Committee of the Whole.

After some time so spent, the Committee rose and reported the bill back to the Senate.

On motion, the bill was then read a third time and passed.

The following message was received from his Excellency, the Governor :

EXECUTIVE DEPARTMENT,  
Sacramento, Cal., Feb. 29, 1856. }

*To the Hon. the Senate of California :*

I have this day approved a bill, originating in the Senate, entitled An Act to fix the Times of holding the Terms of the District Court of the Seventh Judicial District.

Also, a concurrent resolution in relation to Lieutenants Thomas C. Stephens and Fabius Stanley.

Very respectfully,  
Your obedient servant,

J. NEELY JOHNSON.

The Secretary was proceeding to read a second message from his Excellency, when—

Mr. French moved a call of the Senate.

Carried.

The following Senators were found to be absent without leave :

Messrs. Coffroth, De la Guerra, Ferguson, Lippincott, McCoun, Norman, Tilford and Westmoreland.

The Sergeant-at-Arms was dispatched for the absentees.

Mr. Mandeville moved to dispense with further proceedings under the call.

Not agreed to.

Senators Westmoreland, Tilford and Coffroth, appeared respectively at the Bar, and were, on separate motions, admitted and excused.

Senator De la Guerra was reported indisposed, and accordingly excused.

On motion of Mr. Burton, further proceedings under the call were dispensed with.

On motion, the Senate adjourned.

## IN SENATE.

SATURDAY, March 1st, 1856.

Senate met pursuant to adjournment.

Lieutenant-Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of yesterday read and approved.

Mr. Rust presented several petitions from citizens of different portions of the State, asking a reduction of the Foreign Miners' Tax.

Referred to the Committee on Mines and Mining Interests.

Mr. Tilford presented the following communication and accompanying documents, from the former Board of State Prison Directors, which were referred to the State Prison Committee :

We, the undersigned, beg leave to submit for the consideration of your Honorable Body, the following communication, as an Appendix to our Report, heretofore presented for your consideration.

All of which is respectfully submitted,

RICHARD N. SNOWDEN,  
J. S. LOVE,

Late State Prison Directors.

SACRAMENTO, March 1st, 1856.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee, to whom was referred Senate Bill No. 79, entitled An Act to regulate and define the Duties of Auctioneers in this State, have had the same under consideration, and respectfully beg leave to offer the following substitute for said bill, and recommend the passage of the substitute.

W. J. FERGUSON,  
Chairman.

The bill was filed on the Calendar.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee, to whom was referred Senate Bill No. 19, entitled An Act to divide the State in Congressional Districts, according to an Act of

Congress approved June 25th, 1842, have had the same under consideration, and beg leave to report the same back to the Senate, with an amendment, and recommend the passage of the bill as amended. Also, have considered—

Senate Bill No. 87, entitled An Act supplementary to an Act entitled "An Act to regulate the Settlement of the Estates of Deceased Persons," and recommend its passage.

Your Committee have also had under consideration Assembly Bill No. 98, entitled An Act to aid the Officers of the Indian Department, appointed by the General Government for the State of California, in the discharge of their Duties, and respectfully beg leave to report the same back to the Senate, and recommend its passage.

W. J. FERGUSON,  
Chairman.

The bills were filed on the Calendar.

Mr. McNeill introduced a bill for An Act to create the County of Fresno, to define its Boundaries, and to provide for its Organization.

The bill and an accompanying petition, were referred to the Committee on Counties and County Boundaries.

The following communication was received from his Excellency the Governor, transmitting certain papers :

EXECUTIVE DEPARTMENT, }  
Sacramento City, 29th February, 1856. }

*To the Senate of California :*

I hereby nominate and appoint Alexander G. Abell, Commissioner of Immigrants for the Port of San Francisco in this State, *vice* Edward McGowan, removed for cause shown, and the concurrence of the Senate therein is respectfully asked.

The causes of such removal, I now submit for your information.

By Section 9 of the Act approved May 3d, 1853, (vide Codified Laws, page 224,) it is made the duty of such Commissioner to make a report at the end of each month to the Controller of State, concerning his official duties; also at the end of each month to pay over to the State Treasurer such moneys as are received by him under said Act. By the accompanying communication from the State Controller, referred to as Exhibit B, it will be seen no reports have been made by that officer to the State Controller, since June 1st, 1855; also, by reference to the reply of the State Treasurer accompanying this, and here referred to as Exhibit C, no moneys have been paid by him into the State Treasury since 31st of May, 1855.

It will also be seen by the copy of the report of said Commissioner, transmitted to the Assembly, and dated 14th February, 1856, with the accompanying Exhibit, all of which are here referred to as Exhibit A, that said Commissioner acknowledges the receipt of \$1,850, since the 1st day of September, 1855, which will leave due the State, after deducting his commission of ten per cent. on that amount, the sum of \$1,665, none of which has been paid into the State Treasury.

It will be seen, also, that no information is afforded as to the amount collected by him during the months of June, July and August last, which, if known, would doubtless add a considerable amount to the sum shown to be due since September 1st, 1855.

It is probably due to that officer to state that (as will be seen by reference to this Report) he claims the whole amount collected since Sept. 1st, (\$1,850) is much less than the expenses of his office, "and it may possibly be the same with respect to the sum collected during the three preceding months." But with this the State has nothing to do. His compensation is ten per cent. on the amount collected, and his office expenses are items for which the State is in nowise liable.

Believing the reasons recited herein render it my duty, under the law, to remove said officer, my action herein is submitted to your consideration.

Very respectfully,  
Your obedient servant,

J. NEELY JOHNSON.

Mr. Heintzelman moved that the Executive communication and accompanying papers, be referred to a Select Committee of three.

The ayes and noes were demanded by Messrs. French, Lippincott and Heintzelman, with the following result :

AYES.

Messrs. Crandall, Day, De la Guerra, Dosh, Flint, French, Gove, Heintzelman, Lippincott, Mandeville, McNeill, Rust, Shaw and Tilford—14.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Ferguson, Fiske, Hawks, Hawthorne, McCallum, McGee, Norman, Scellen, Waite and Wilson—14.

So the motion was lost.

Mr. French moved to make the papers the special order for Wednesday next, at 12 o'clock, M.

Upon which Mr. Hawks demanded the previous question, and it was sustained.

The question being "Shall the main question be now put?" it was agreed to.

The question recurring on the motion of Mr. French, to make the papers the special order, the ayes and noes were demanded by Messrs. French, De la Guerra and Gove, with the following result :

AYES.

Messrs. Crandall, Day, De la Guerra, Dosh, Flint, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Rust, Shaw and Tilford—15.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Ferguson, Fiske, Hawks, Hawthorne, McCallum, McGee, Norman, Scellen, Waite and Westmoreland—14.



So the motion prevailed, and the papers were made the special order for Wednesday next at 12 o'clock, M.

The following message was received from the Assembly :

*Mr. President :*

I am directed to inform the Senate, that the Assembly have passed Senate Substitute for Assembly Bill No. 38, An Act making Appropriations for the Civil Expenses of the Government of the State, with amendments as therein shown, in which the concurrence of the Senate is respectfully requested.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

The bill was considered, and the Senate refused to concur in the amendments made by the Assembly.

Mr. Ferguson presented the following report :

The Judiciary Committee, to whom was referred Senate Bill No. 93, entitled An Act for the employment of Convicts in the County Jail, have had the same under consideration, in connection with Senate Bill No. 10, and would respectfully recommend their indefinite postponement, and recommend the passage of the following substitute.

W. J. FERGUSON,  
Chairman.

The substitute reported by the Judiciary Committee was ordered printed, and filed on the Calendar.

Mr. Ferguson presented the following report :

The Judiciary Committee, to whom was referred Senate Bills No. 13, No. 32 and No. 73, in relation to reporting the decisions of the Supreme Court of this State, have had the same under consideration. They recommend the indefinite postponement of Bills No. 13 and 32, and would recommend the passage of Bill No. 73, with the following amendments :

In the fourth line of the fifth section of said bill, after the word "one," insert the words "good octavo ;" and,

In line five, of said section, strike out the words " of convenient size ;" also,

In the fifth line of the tenth section of said bill, strike out the word " twelve," and insert the word " ten."

The Committee would also recommend, that the usual number of copies of said bill be printed, for the use of the Senate.

W. J. FERGUSON,  
Chairman.

The bills were placed on the Calendar and No. 73 ordered printed.

Mr. Hawks introduced a bill for An Act to abolish the Office of Harbor-Master at San Francisco, and to provide for the Appointment of two Dock-Masters,

which was read a first and second times, and referred to the Judiciary Committee.

The special order of yesterday coming up, under the head of unfinished business, was considered, being Senate bill for An Act to amend an Act entitled "An Act concerning the Courts of Justice of this State and Judicial Officers," passed May 19th, 1853.

The bill was read a third time and passed.

Mr. Ashley offered the following resolution, which was adopted :

*Resolved*, The Assembly concurring, that all the Auditing officers of both Houses, and the Committees of the same, are instructed not to allow, or certify, any bill, or claim, for attendance as a witness before any officer, or Committee, at a greater rate per day than is allowed to witnesses before a court in civil cases, nor shall they allow to any clerk, or other employee, of any Committee, more than the pay of a member of the Legislature.

#### Bills on the Calendar—

Senate Bill No. 65, An Act to amend an Act entitled "An Act defining the Time for commencing Civil Actions, and to extend the Time for Commencing the same," was taken up.

On motion of Mr. McCallum, the bill was recommitted to the Judiciary Committee.

Assembly Bill No. 21, An Act to amend "An Act to authorize the Formation of Corporations for the Construction of Plank and Turnpike Roads," passed May 12th, 1853, was considered, amended, read a third time, and passed.

Senate Substitute No. 43, An Act concerning the Fees of Office, passed April 10th, 1855, was considered, amended, read a third time, and passed.

Senate Bill No. 61, An Act to amend "An Act concerning Divorces," passed March 25th, 1851, was taken up.

Mr. Ferguson moved to indefinitely postpone the bill.

The ayes and noes were demanded by Messrs. Hawthorne, De la Guerra and Wilson, with the following result :

#### AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Crandall, Day, De la Guerra, Dosh, Ferguson, Fiske, Flint, Gove, Hawks, Heintzelman, Mandeville, McNeill, Norman, Scellen, Shaw, Tilford, Waite and Wilson—22.

#### NOES.

Messrs. French, Hawthorne, Hook, Lippincott, McCallum, and McGee—6.

So the bill was indefinitely postponed.

Senate Bill No. 34, To fix permanently the Boundary Lines between Yuba, Butte and Plumas Counties, was taken up.

On motion of Mr. Ashley, the third section of the bill was stricken out.

On motion of Mr. Hawks, the bill was then considered engrossed, read a third time and passed.

Senate Bill No. 74, An Act to amend an Act entitled "An Act to amend the Fourteenth Section of an Act entitled An Act concerning the Office of County Treasurer," passed March 27th, 1850, was taken up and, on motion, indefinitely postponed.

Senate Bill No. 75, An Act to amend an Act to regulate Proceedings in Civil Cases in Courts of Justice of this State, was taken up and, on motion, laid upon the table.

The following message was received from the Assembly :

*Mr. President :*

I am directed to inform the Senate that the Assembly refuses to recede from their amendments to Senate Substitute to Assembly Bill No. 38, making appropriations for the Civil Expenses for the Government of the State.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Mr. Heintzelman moved that a Committee of Free Conference be appointed.

Lost.

Mr. Hawks moved that a Committee of Conference be appointed.

Carried.

The Chair appointed Messrs. Hawks, Ashley and Burton, said Committee.

Mr. Scellen introduced sundry accounts.

Referred to the Committee on Contingent Expenses.

Leave being granted, Mr. Burnett introduced a bill for An Act to increase the number of Fire Companies in the City of Marysville.

The following message was received from the Assembly :

*Mr. President :*

I am directed to inform the Senate that the Assembly have appointed on the

part of the House, Messrs. Upton, McFarland and Gaston, a Committee to confer with Senate Committee in relation to the disagreeing vote of the two Houses, relative to An Act to appropriate money to defray the Civil Expenses of this State.

Respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

Senate Bill No. 103, An Act supplementary to an Act entitled "An Act making an appropriation for the temporary support of the State Prison," approved Feb. 14th, 1856, was taken up and,

On motion of Mr. French, indefinitely postponed.

Assembly Substitute for Senate Bill No. 34, An Act entitled An Act to change and fix the County Seat of Butte County, was considered and amended in Committee of the Whole.

After some time so spent, the Committee rose and reported the bill back to the Senate.

Mr. Mandeville moved to indefinitely postpone the bill.

Mr. Hawks demanded the previous question, which was sustained.

The question being "Shall the main question be now put?" it was carried.

The question recurring on the motion to indefinitely postpone, the ayes and noes were demanded by Messrs. Hook, Fiske and Mandeville, with the following result :

AYES.

Messrs. Gove, Hook and Mandeville—3.

NOES.

Messrs. Burnett, Burton, Bynum, Day, De la Guerra, Dosh, Ferguson, Fiske, Flint, Hawks, Hawthorne, Lippincott, McCallum, McGee, McNeill, Rust, Scellen, Shaw, Waite and Wilson—20.

So the motion was lost.

On the final passage of the bill, the ayes and noes were demanded by Messrs. Hook, Mandeville and Fiske, with the following result :

AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Day, Dosh, Ferguson, Fiske, Flint, Gove, Hawks, Hawthorne, Lippincott, McCallum, McGee, McNeill, Rust, Scellen, Waite and Wilson—20.



NOES.

Messrs. Heintzelman, Hook, Mandeville and Shaw—4.

So the bill was passed.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills have examined Senate Bill No. 43, An Act to amend an Act entitled "An Act to regulate Fees of Office," and find the same correctly engrossed.

J. G. McCALLUM,  
Chairman.

On motion of Mr. Lippincott, the Senate adjourned.

---

IN SENATE.

MONDAY, March 3d, 1856.

Senate met pursuant to adjournment.

President *pro tem* in the Chair.

Prayer by the Chaplain.

On motion of Mr. Burton, Mr. Bausman, Secretary of the Senate, was granted leave of absence on account of sickness.

Journal of yesterday read and approved.

Mr. French presented the account of the Postmaster, which was referred to Committee on Contingent Expenses.

Mr. Burnett presented the following petition which was read and referred to the Judiciary Committee.

*To the Honorable Senate and Assembly of the State of California, assembled :*

We, your petitioners of the County of Sacramento, most respectfully request

your Honorable Body to pass a Settlers' Bill in conformity with the principles contained in the resolutions adopted at the State Settlers' Convention, held in Sacramento on the 8th and ninth day of August, 1856.

Dated March 1st, 1856.

Signed,

W. FERN,  
And 426 others.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills have examined Senate Bill No. 34, a bill to fix permanently the boundary line between Yuba, Butte and Plumas Counties, and find the same correctly engrossed.

McCALLUM,  
Chairman.

Mr. McGee presented the following report :

*Mr. President :*

The State Prison Committee, to whom was referred Assembly Resolution providing for the appointment of a Joint Committee for purposes therein named, report the same back for the consideration of the Senate.

JNO. B. MCGEE,  
Chairman.

On motion, the resolution was placed on the Calendar.

Mr. Lippincott presented the following remonstrance.

*To the Hon. the Senate and Assembly of the State of California :*

The undersigned, your petitioners, citizens and tax payers of the City of Marysville, would respectfully represent to your Honorable Body, that they have been informed that a bill has been introduced in the Senate of this State to amend the Charter of this city, and that among the proposed amendments is one creating the office of City Assessor, and thereby incurring an additional expense to the already overburdened tax payers.

Your petitioners would further represent that the proposed amendment was gotten up by a small number of the members of the Common Council of this city, and we believe against the express wishes of a majority of the citizens.

The undersigned would, therefore, respectfully remonstrate against the passage of the proposed amendment, and as in duty bound your petitioners will ever pray, etc.

Signed,

MIX SMITH,  
And 95 others.

On motion, the remonstrance was referred to the Yuba Delegation.

Leave being granted, Mr. Ashley introduced a bill for an Act to amend an Act to regulate proceedings in civil cases in the Courts of Justice in this State, which was read twice and referred to Judiciary Committee.

Leave being granted, Mr. Ashley introduced the following bill for an Act to amend an Act entitled "An Act to regulate Proceedings in Criminal Cases," which was read a first and second times and referred to the Judiciary Committee.

Leave being granted, Mr. Lippincott introduced a bill for an Act to fix the time for holding the terms of the District Court of the Tenth Judicial District of this State, which was read a first and second times, rules suspended, read a third time and passed.

#### Bills on the Calendar—

Senate Bill No. 77, an Act extending the time for presentation and allowance of claims against the estate of S. A. Brooks, deceased, in the County of Sonoma, was taken up, considered engrossed, read a third time and passed.

Assembly Bill No. 47, an Act to authorize the issue of a School Land Warrant to Thomas Baker, was taken up, read a third time and passed.

Mr. Burnett presented the following report :

#### *Mr. President :*

The delegation from Yuba County, to whom was referred Senate Bill No. 99, entitled an Act to increase the number of Fire Companies in the City of Marysville, report it back to the Senate, and respectfully recommend its passage.

WM. C. BURNETT,  
Chairman.

The bill was taken up and ordered engrossed for a third reading to-morrow.

The Senate then took up from the Calendar Conference Committee Substitute for Assembly Bill No. 5, an Act to establish the pay of the officers and employees of the Senate and of the Assembly, and to repeal the existing laws relating thereto.

On motion of Mr. Ashley, the substitute was adopted, considered engrossed, read a third time and passed.

Leave being granted, Mr. Hawthorne introduced the following bill for an Act to authorize the Board of Supervisors of Placer County to levy a special tax, which was read a first and second times and referred to the delegation from Placer County.

Senate Bill No. 50, an Act to regulate the fees of office of the Public Administrators, was taken up and considered in Committee of the Whole, amended and reported back to the Senate.

On the motion that the Senate agree to the amendments made in Committee of the Whole, the ayes and noes were demanded by Messrs. Hawks, Burton and Fiske, with the following result :

## AYES.

Messrs. Ashley, Bynum, Crandall, Dosh, Fiske, Flint, Gove, Hawthorne, Mandeville, McGee, McNeil and Shaw—12.

## NOES.

Messrs. Burton, Hawks, Hook and Lippincott—4.

So the amendments were concurred in, although a quorum not voting, eighteen Senators were present.

On motion of Mr. Heintzelman, the bill was placed at the foot of the Calendar.

Senate Bill No. 29, a bill for an Act to repeal an Act entitled "An Act to amend an Act to Provide for the Protection of Foreigners, and to define their Liabilities and Privileges," passed April 30th, 1855, and to reinstate the original Act, was taken up, and on motion, indefinitely postponed.

Substitute for Senate Bill No. 79, an Act amendatory of, and supplementary to, an Act entitled "An Act to Provide Revenue for the Support of the Government of this State," passed May 15th, 1854, was taken up and considered as in Committee of the Whole, and reported back with an amendment.

The Senate concurred in the amendment, and the bill was ordered engrossed for a third reading.

Senate Bill No. 87, an Act supplementary to an Act entitled An Act to regulate the settlement of estates of deceased persons, was taken up, and on motion, placed at foot of Calendar.

Senate Bill No. 19, An Act to divide the State into Congressional Districts according to an Act of Congress, approved June 25th, 1842, was taken up, considered as in Committee of the Whole, amended and reported back to the Senate.

The Senate concurred in the amendments, and on motion, the bill was considered engrossed, read a third time and passed.

The following communication was received from the Chaplain of the Senate, Rev. Mr. Pratt:

SENATE CHAMBER, }  
March 3d, 1856. }

The Chaplain of the Senate begs leave to present to that Honorable Body the accompanying view of the City and Harbor of San Francisco. It is executed in the highest style of lithographic engraving, and it may be deemed not an inappropriate ornament on the hall of the Senate.

Very respectfully,

H. L. EDGAR PRATT.



On motion of Mr. Hawks, the Senate accepted the gift, and the thanks of the Senate were tendered to the donor.

Assembly Bill No. 98, An Act to aid the officers of the Indian Departments, appointed by the General Government for the State of California in the discharge of their duties, was taken up and considered as in Committee of the Whole, amended and reported back to the Senate with a recommendation of its passage.

The special order of the day having arrived, the Senate took into consideration Senate Bill No. 20, An Act concerning the interest of money, which, on motion of Mr. Shaw, was made the special order of the day for March 24th.

Mr. Burton offered the following resolution :

*Resolved*, That no new business be admitted after the 20th day of the present month.

Mr. De la Guerra moved to amend by inserting "fifteen days previous to adjournment."

Lost.

Mr. Heintzelman, moved to amend by inserting "without unanimous consent of the Senate.

Lost.

On motion, the resolution was adopted without amendment.

Assembly Bill No. 98, which was under discussion when the special order came up, was again considered, read a third time and passed.

Judiciary Committee, substitute for Senate Bills Nos. 10 and 93, was taken up and on motion, placed at foot of Calendar.

Senate Bills Nos. 73, 13 and 32, were, on motion, placed at foot of Calendar.

On motion, the Senate adjourned.

## IN SENATE.

TUESDAY, March 4th, 1856.

Senate met pursuant to adjournment.

In the absence of the Lieutenant-Governor and President *pro tem.*, on motion of Mr. Lippincott, Mr. Mandeville was called to the Chair.

Prayer by Rev. Mr. Pratt.

Journal of yesterday read and approved.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills have examined Senate Bill No. 102, An Act to fix the Time for holding the Terms of the District Court of the Tenth Judicial District of this State ; also,

Substitute for Senate Bill No. 79, An Act amendatory of, and supplementary to, an Act entitled "An Act to provide Revenue for the support of the State Government of this State," passed May 15th, 1854 ; also,

Senate Bill No. 99, An Act to increase the Number of Fire Companies in the City of Marysville ; also,

Senate Bill No. 19, An Act to divide the State in Congressional Districts, according to an Act of Congress approved June 25th, 1842 ; also,

Senate Bill No. 77, An Act extending the Time of Presentation and Allowance of Claims against the Estate of S. A. Brooks, deceased, in the County of Sonoma ; also,

Senate Bill No. 5, An Act to establish the Pay of the Officers and Employees of the Senate and of the Assembly, and to repeal the existing Laws relating thereto," and find the same correctly engrossed.

McCALLUM,  
Chairman.

Mr. Ashley presented the following report :

*To the Senate :*

The Special Committee to whom was referred Bill No. 58, concerning appropriations for deficiencies, would report that they have labored assiduously to perform in a proper manner the duty confided to them, but have been unable to entirely satisfy even themselves ; for State officers have so loosely conducted their business, that it is impossible to tell, even now, what their liabilities were on the 1st of February last. We have approximated the indebtedness, and do sincerely hope that State officers may adopt a mode of business that might be tolerated and borne in private affairs.

The deficiency for State Printer, (\$62,000,) is large, and *should* be sufficient to defray printing expenses for a whole year ; but the rates fixed by law are, we

believe, at least thirty per cent. too high, and the law is so vague, that constructive charges are frequently made, and paid. We regret to say, that a law can hardly be framed to prevent extravagance, and still more regret, that our officers have rarely failed to construe in favor of lavish expenditure. It need not be concealed, that the Legislature is principally in fault for the high printing accounts; for the printing of bills, etc., during the session, is ordered without stint, and is the most costly labor done. Between the two Houses, the Governor's Message is printed *four or five times* in English, and full charge made for each, although in fact the State Printer should be paid for composition only once. The Message is also printed in Spanish, French and German. The different Reports of State officers are, in the same manner, paid for twice or three times over; while the adoption of a correct system, such as requiring a joint order of both Houses, for printing, would save an immense expense. Until this is adopted, there is little hope of lessening cost. The State Printer has failed to give us an exact statement of his charges for January last, although requested to do so,—but he estimates the printing at \$18,850, and \$1,500 for paper; total for one month, \$20,350. That is at the rate of \$244,200 per annum. The printing of Journals daily will insure double pay for them; for composition, etc., may again be charged on the bound volumes; and worse still, in the daily Journals blanks so frequently occur, as to make the price for any certain number of pages ordinarily, quite astounding. It is true, we must now pay the debts incurred, and can only look for relief in the future. May we not look in vain!

The transportation of State Prisoners for the past year, has been about \$40,000, and will annually increase, unless the rate per mile is reduced, of which there is little hope. This deficiency is large, and should rouse strict attention.

The fitting up the Capitol and furnishing for the Legislature, is most fruitful of expense. It seems this is the special field for favoritism, and while the State is charged three or four times the usual rates, still another modest addition is made, of two-thirds, for depreciation of scrip,—thus making the scrip machinery a broker's office, where the State is fleeced without shame or mercy. The Committee believe the claim for deficiency is twice as much as it should be; but if the appropriation is limited to the just amount, the honest claimant will often suffer, for the bad claims push in first, and draw the money. There is no hope of preventing abuses of this character, until the State Departments are directed by fearlessly economical men. Such, we hope and believe, is now the case. When an extravagance has been too enormous and improper to be plainly named, it has been customary to call it "contingent expense," and a fund for contingent expenses is provided for almost every officer, which fund annually, almost without exception, proves too small, and the Legislature is called upon, as we are now, to make up the deficiency.

The appropriations of last year for furniture, etc., was \$15,000,—the deficiency money asked is \$13,296, while one Melvin was last winter paid \$18,420 for furniture, etc., making only \$46,716 in all. And this is only a part of the cost of furnishing our halls, for previous years can show at least equal outlays. The Contingent appropriations of the two Houses last year, amounted to \$36,000, exclusive of officers, clerks, etc. The deficiency now claimed is \$10,713 60.

The Legislature contains 113 members, and the last one, we understand, employed 119 petty officers and clerks, who were paid \$103,562, and a small deficiency is to be provided for.

During the last year, \$12,000 was appropriated for contingent expenses of the Supreme Court, and now there is a deficit claimed of \$11,620. The truth is, the \$12,000 was mostly expended for old claims, not arising during the year, and which we believe were improperly and unlawfully paid out of this fund; but if money is appropriated, it will be used—right or wrong.

We are surprised that our State officials assume so much the right of putting the State to any expense they choose. They have no limit to the indebtedness they may pile on the State ; and while their modesty that way is not astonishing, we may thank Heaven their recklessness is not unbounded. Good laws are well ; good principles are perhaps divine ; and an officer strictly enforcing the former, and acting upon the latter, would likely be a wonder.

The office of Surveyor-General is getting expensive ; \$16,000 is asked in the Deficiency Bill, and perhaps must be paid, although the previous Legislature never contemplated such expense, and it may thence be well deducted that it is unsafe to pass laws requiring public servants to do anything. This reasoning acted on, it is true, would destroy the Government, and leave it in nearly as bad a condition as now.

Last year \$10,000 was set aside to pay off the liabilities of the State Hospital, and happily there is only about \$10,000 yet to pay. After liabilities have been contracted, even wrongfully, we can hardly repudiate, and must submit to pay ; hence the Committee recommend that the bill be amended, as shown on the copy herewith returned, and be passed.

We report back a claim of Wm. Ten Broeck, for selecting University lands, and recommend its commitment to the Committee on Education.

Also, a claim of Mr. Milliken, for Hospital purposes, and recommend its reference to the Committee on Hospitals.

All of which is respectfully submitted.

D. R. ASHLEY,  
J. G. McCALLUM,  
J. P. COSBY.

Senate Bill No. 58, for An Act making Appropriations to meet Deficiencies in Appropriations heretofore made to defray the Civil Expenses of Government from the first day of February, 1855, until the first day of February, 1856, was taken up, considered in Committee of the Whole and amended at large.

After some time so spent, the Committee rose and reported the bill back to the Senate.

The amendments were voted upon *seriatim*, and adopted.

Mr. Lippincott offered the following amendment to the bill :

“For defraying expenses of the survey of Immigrant Road, exclusive of the cost of instruments for the use of the Surveyor-General's officer, \$5,000.”

Mr. Norman moved a call of the Senate.

Lost.

On the question of adopting the amendment, the ayes and noes were demanded by Messrs. Norman, Wilson and Crandall.

Mr. McCallum offered the following substitute to the amendment offered by Mr. Lippincott, which was adopted :



**"For Surveyor-General's Office—**

First. For all expenses in the survey of the Immigrant Wagon Road .....	\$5,000
Second. Township Plats, copying the same and contingent expenses of his office .....	5,000."

Mr. Burton moved to strike out the words "Wagon Road,"

Lost.

The question was then taken on the substitute, and it was adopted.

On motion, the bill was considered engrossed, read a third time and passed.

Mr. Hawks presented the following report, which was adopted :

*Mr. President :*

The Committee of Conference, appointed by the Senate to confer with the Assembly Committee on the disagreeing vote of the two Houses, in relation to the bill for an Act to appropriate money for the support of the Government of this State, beg leave to report that they have conferred with the Assembly Committee, who have informed them that the Assembly recede from their amendments in relation to Clerk in the Controller's Office, and also proposed to strike out the entire provision in the bill which relates to the transportation of prisoners, the fees of Sheriffs and the appropriations therefor, leaving that matter for future consideration, in which proposals the Senate Committee agree, and respectfully report the matter back to the Senate, recommending the adoption of the course indicated by the Committee of Conference.

W. W. HAWKS,  
Chairman of the Senate Committee.

E. T. BURTON,  
D. R. ASHLEY,

W. W. UPTON,  
H. A. GASTON,  
B. McFARLAND,  
Assembly Committee.

Mr. Hawthorne presented the following report :

*Mr. President :*

The Committee, to whom was referred Bill No. 103, An Act to authorize the Board of Supervisors of Placer County to levy a Special Tax to report the same back without amendment, and recommend its passage.

J. E. HAWTHORNE,  
WESTMORELAND.

Senate Bill No. 103, An Act to authorize the Board of Supervisors of Placer County to levy a special tax, was taken up, rules suspended, read a third time, considered engrossed and passed.

On motion of Mr. Ferguson, the Judiciary Committee was granted till Saturday next to report on the three several land bills now before them.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed the following concurrent resolution, in which the concurrence of the Senate is respectfully requested ; also passed,

Assembly Bill No. 157, An Act entitled an Act to call out a Company of Volunteers for the Suppression of Indian Hostilities in Klamath County, and to make an Appropriation for the same.

Respectfully submitted.

J. M. ANDERSON,  
Clerk of Assembly.

The following current resolution was then read :

*Resolved*, By the Assembly, the Senate concurring, that the election of N. P. Banks, Jr., as Speaker of the House of Representatives of the United States, is a result to be deeply deplored by every true lover of the Union, for that Mr. Banks must be considered as the exponent of sectional feelings and principles, diametrically opposed to the spirit of the Constitution of the United States, and to the only measures and doctrines which will insure the perpetuity of our republican institutions and the preservation of our glorious Union.

Mr. Cosby moved to make the resolution the special order for Monday next.

Upon which, the ayes and noes were demanded by Messrs. French, Hook and Heintzelman, with the following result :

#### AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Day, De la Guerra, Dosh, Ferguson, Fiske, Flint, Gove, Hawks, Hawthorne, Lippincott, McCallum, McCoun, McNeill, Scellen and Waite—20.

#### NOES.

Messrs. Crandall, French, Heintzelman, Hook, Mandeville, McGee, Norman, Rust, Shaw, Tilford and Wilson—11.

So the motion prevailed.

Assembly Bill No. 167, An Act entitled an Act to call out a Company of Volunteers for the suppression of Indian Hostilities in Klamath County and to make an Appropriation for the same, was taken up, read a first and second times, rules suspended, read a third time and passed.

Mr. Lippincott offered the following concurrent resolution :

*Resolved*, by the Senate, the Assembly concurring, that leave of absence from this State for four months, from the time of his departure, be granted to Wm. T. Barbour, District Judge of the Tenth Judicial District.

Upon the adoption of the Resolution, the ayes and noes were demanded by Messrs. Waite, Fiske and Hawks, with the following result :

## AYES.

Messrs. Burnett, Bynum, De la Guerra, Ferguson, Flint, French, Gove, Hawks, Hawthorne, Lippincott, Mandeville, McCoun, McGee, Scellen and Tilford—15.

## NOES.

Messrs. Ashley, Burton, Cosby, Crandall, Day, Dosh, Fiske, Hook, Norman, Shaw, Waite and Wilson—12.

So the resolution was adopted.

Mr. Rust offered the following resolution :

*Resolved*, That when the Seuate adjourn, it do so to meet again on Tuesday next at the usual hour.

Mr. Burton moved to lay the resolution on the table.

Upon which, the ayes and noes were demanded by Messrs. Rust, Tilford and McCoun, with the following result :

## AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Day, Hawthorne, Heintzelman, McCallum, McCoun, McGee, Norman, Scellen, Shaw and Waite—15.

## NOES.

Messrs. Crandall, De la Guerra, Dosh, Ferguson, Fiske, Flint, French, Gove, Hawks, Hook, Lippincott, Mandeville, McNeill, Rust and Tilford—13.

So the motion was lost.

Mr. Ashley offered the following amendment as a preamble to the resolution, which was lost :

*"Whereas*, The Democratic Convention meets in this city to-morrow, therefore,"

Mr. Ashley offered the following proviso to the resolution :

*“Provided, The Members of the Senate shall not receive per diem in the meantime, and the Controller is instructed not to audit the claims for per diem during the days adjourned over.*

Mr. Hook moved to adjourn.

Upon which, the ayes and noes were demanded by Messrs. French, Hook and Fiske, with the following result :

AYES.

Messrs. Burton, Bynum, Cosby, Day, Fiske, Hawthorne, Hook, McCoun, McGee, Norman, Scellen, Waite and Wilson—13.

NOES.

Messrs. Ashley, Burnett, Crandall, De la Guerra, Dosh, Ferguson, Flint, French, Gove, Hawks, Heintzelman, Lippincott, Mandeville, McCallum, McNeill, Rust, Shaw and Tilford—18.

So the motion was lost.

Mr. French demanded the previous question, which was not sustained.

On the motion to adopt the proviso offered by Mr. Ashley, the ayes and noes were demanded by Messrs. Fiske, French and Hook, with the following result :

AYES.

Messrs. Ashley, Burton, Cosby, Hawks, Hook, McCallum, McCoun, McGee, Norman, Tilford and Wilson—11.

NOES.

Messrs. Burnett, Bynum, Crandall, Day, De la Guerra, Dosh, Ferguson, Fiske, Flint, French, Gove, Hawthorne, Heintzelman, Lippincott, Mandeville, McNeill, Rust, Scellen and Shaw—19.

So the proviso was rejected.

The question recurring upon the adoption of the resolution of Mr. Rust, the ayes and noes were demanded by Messrs. McCoun, Ferguson and French, with the following result :

AYES.

Messrs. Crandall, De la Guerra, Dosh, Ferguson, Flint, French, Gove, Hawks, Lippincott, Mandeville, McNeill, Rust, Tilford and Wilson—14.



NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Day, Fiske, Hawthorne, Heintzelman, Hook, McCallum, McCoun, McGee, Norman, Scellen and Waite—16.

So the motion was lost.

On motion, the Senate adjourned.

---

IN SENATE.

WEDNESDAY, March 5th, 1856.

Senate met pursuant to adjournment.

Lieutenant-Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of yesterday read and approved.

On motion of Mr. Burton, leave of absence, for one day, was granted to Mr. Lippincott.

Mr. Heintzelman presented the following petition from citizens of Marin County :

*To the Honorable the Legislature of the State of California :*

The petition of the undersigned citizens of Marin County respectfully sheweth :

That there has been in existence, since September last, an Institution near San Raphael in this county, for the support, education and industrial training of male orphans.

That it has been open for the admission of orphans from all parts of the State, irrespective of any other consideration than that of orphanage, as far as its means would admit.

That there are at present in the Institution, thirty-two boys, a list of whose names and ages is herewith subjoined, together with the respective counties from which they were sent, as far as known.

That many of them are the sons of worthy and at one time, wealthy citizens,

who became victims to the casualties and diseases incident to this new country and the immigration hither.

That the Institution is under efficient superintendence and is entirely dependent on the contributions of the charitable and humane, who have hitherto kept it in existence.

Your petitioners, therefore, respectfully represent these facts to your Honorable Body and ask you to appropriate a small portion of the public funds in aid of this Institution.

It is now almost destitute of funds and unless assistance be very soon received from some quarter, no other alternative will remain but to throw these innocent and helpless orphans on the cold charity of the world, a prey to physical want and moral misery.

And your petitioners will ever pray.

S. B. HARRIS,  
J. M. HARRIS,  
W. SCIDMORE,

And 43 others.

*List of Orphans in San Raphael Orphanage.*

John Massey, Sacramento, age, 10.  
John McAuliff, " " 9.  
Thos. " " 14.  
Daniel " " 8.  
George Doneven, Yuba, age, 9.  
Anthony Brady, Weaverville, age, 8.  
Matthew Murtha, Mariposa, age, 11.  
John Gardiner, San Francisco, age, 12.  
James Carter, Placerville, age, 9.  
Walter Scott, Marysville, age, 10.  
Owen McGuity, Sonora, age, 5.  
Charles Scott, Marysville, age, 8.  
James Williams, El Dorado, age, 7.  
George West, Sierra, age, 12.  
Thomas Fleming, Marysville, age, 12.  
Lewis Jockey, Shasta, age, 11.  
Richard Jockey, Shasta, age, 9.  
Thomas Renna, Calaveras, age, 8.  
Julia Mitchel, age, 5.  
Micheal Maxwell, Alameda, age, 6.  
Fernando Banleposqua, age, 7.  
James Nugent, Nevada, age, 4.  
Charles Bayley, San Francisco, age, 7.  
Frederick Bayley, " " 9.  
Henry Albert Lanwanp, age, 10.  
Albert Robinson, San Francisco, age, 8.  
Thomas Smith, Santa Clara, age, 11.  
John Blake, Yreka, age, 7.  
William Riley, Downieville.  
John McKnight, age, 13.  
Hector Walsh, Tuolumne, age, 10.  
— O'Hara, Sacramento, age, 7.  
John Sullivan, San Francisco, age, 5.

Leave being granted, Mr. Bynum introduced a bill for An Act to amend an Act entitled "An Act concerning Offices," passed April 28th, 1851.

Read a first and second times and referred to the Judiciary Committee.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills have examined Senate Bill No. 103, An Act authorizing the Board of Supervisors of Placer County to levy a Special Tax ; and,

Senate Bill No. 58, a bill for An Act making Appropriations to meet Deficiencies in Appropriations heretofore made to defray the Civil Expenses of Government, from the 1st day February, 1855, until the 1st day of February, 1856, and find the same correctly engrossed.

McCALLUM,  
Chairman.

Mr. McGee, from the State Prison Committee, reported back certain papers relating to the former Board of State Prison Directors.

Five hundred copies ordered printed.

Third reading of bills—

Substitute for Senate Bill No. 79, An Act amendatory of, and supplementary to, an Act entitled "An Act to provide Revenue for the support of the Government of this State," passed May 15th, 1854, was taken up and, on motion, laid upon the table.

Senate Bill No. 99, An Act to increase the number of Fire Companies of the City of Marysville.

Taken up, read a third time and passed.

Mr. Ashley presented the following report :

*Mr. President :*

The Special Committee on Official Advertisements, report that they find enormous charges against the State on this account, and in the bill they report they have proposed to enact provisions that shield the State in future from such outrages. The last Legislature failed to provide for the publications of the amendments to the Constitution it proposed, and such publication being required by the Constitution, Governor Bigler advised the insertion of the amendments in various papers, leaving the pay to be determined by future law. We cannot condemn the publication but regret that the failure of the last Legislature compels us to provide for publication in nearly all the papers of the State.

Gov. Bigler certifies that some papers published by his order and that others simply published ; while he states to the Controller that he did not in any instance intend to order the publication but only to advise it. There is need of a full notice of such amendments throughout all parts of the State, and all the papers being on the same footing as to legal right, we find that all the accounts

must be requited or all must be rejected, except that of the State Printer, or all of them must be paid.

Many expenses have been heretofore incurred which must now be paid and the like prohibited in future. This rule may be as applicable to the aforesaid amendments, as to the advertisements for Swamp Lands, Rewards, Water Front Sales, Proclamations, etc.

Notice of the Land Sales, by law, might be inserted in the State Journal, San Joaquin Republican, Placer Times and Transcript and two other San Francisco papers; other papers have published the same, but we do not advise payment except to the five provided in the law. It is true these expenses the law directs to be paid out of the land sales; but the proceeds of sales, without fault of the newspapers, were by the Board of Commissioners and their agent, directed from their proper use and unlawfully applied to paying a fraudulent judgment against the State. The swamp land notices are likely to cost a large sum if the State pays for them at all.

We may properly, perhaps, express the hope that the Controller will not allow any such claim unless authorized by law.

ASHLEY,  
McCALLUM,  
COSBY.

The bill concerning official advertisements, introduced by Mr. Ashley, was read a first and second times, ordered printed and placed on the Calender.

Bills on the Calender—

Senate Bill No. 69, An Act to authorize Benjamin F. Forsyth and Others, to construct a Wharf in Solano County, was taken up.

The Senate was engaged in the consideration of the same, when the Chair announced the arrival of the hour for the consideration of the special order of the day.

On motion of Mr. Heintzelman, the Senate adjourned.



IN SENATE.

THURSDAY, March 6th, 1856.

Senate met pursuant to adjournment.

Lieutenant-Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of yesterday read and approved.

On motion of Mr. Burton, leave of absence for an indefinite period was granted to Messrs. Hawthorne and Ashley.

Mr. Mandeville moved that the Senate adjourn.

The ayes and noes were demanded by Messrs. McCoun, Westmoreland and Lippincott, with the following result :

AYES.

Messrs. Crandall, Day, De la Guerra, Dosh, Flint, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Rust, Scellen, Tilford and Wilson—15.

NOES.

Messrs. Burnett, Burton, Bynum, Cosby, Fiske, McCallum, McCoun, McGee, Norman, Waite and Westmoreland—11.

So the Senate stood adjourned.

## IN SENATE.

FRIDAY, March 7th, 1856.

Senate met pursuant to adjournment.

Lieutenant-Governor in the Chair.

Prayer by the Rev. Mr. Pratt.

Journal of yesterday read and approved.

Mr. Heintzelman presented the following petition :

*To the Honorable the Members of the Senate and Assembly in the House of Representatives of the State of California :*

The Memorial of the farmers and actual settlers of Sonoma County, sheweth : That your memorialists would pressingly invoke the prompt action of your Honorable Body, on the subject of a law to protect all persons who have made permanent and valuable improvements upon lands, in the belief that they were pre-emptable.

That the farming interests of this State pine for want of this protection to the man of toil, and it daily becomes of more vital importance to every man engaged in agricultural pursuits.

To you, then, fellow-citizens, whom we have elevated to position and honor, we turn for this security, strong in the belief, that any just man knows it to be but fair and reasonable—every true man feels friendly to a measure so necessary and so right.

Numerous suggestions, relative to the peculiar features of a bill which would best meet our requirements, have already at various times been made ; all which we commend to your deliberate consideration, and confine ourselves here to an earnest entreaty that you will, without unnecessary loss of time, do whatever sound discretion indicates to be necessary in the premises.

And your Memorialists, as in duty bound, will ever pray, etc.

Signed by

THOMAS A. HYLTON,

And 275 others.

Leave being granted, Mr. French introduced An Act to fund the Indebtedness of the State now existing in the form of Controller's Warrants, drawn on the General Fund, or that may be outstanding on the first day of January, 1857, or Warrants issued after the 1st day of January, 1857, for indebtedness accruing prior to January 1st, 1857,—which was read a first and second times, ordered printed, and referred to the Judiciary Committee.

Mr. French also introduced An Act to amend an Act entitled "An Act concerning the Office of Treasurer of State," approved March 16, 1855, which was read a first and second times, ordered printed, and referred to the Judiciary Committee.

According to previous notice, Mr. Coffroth introduced a bill for An Act to authorize the formation of Water Companies, which was read a first and second times, ordered printed, and referred to the Committee on Corporations.

Mr. Burnett introduced a bill for An Act amendatory of, and supplementary to, "An Act concerning the Organization of the Militia," passed April 25th, 1855, which was read twice and referred to the Committee on Military Affairs.

On motion of Mr. Burton, leave of absence was granted to Mr. Mandeville.

Mr. Tilford rose to make some remarks concerning a certain bill abstracted from the Secretary's desk.

On motion of Mr. Burton, the Senate went into

### SECRET SESSION.

After some time so spent—

### IN SENATE.

Mr. Day gave notice that he would, on to-morrow, propose for the adoption of the Senate an additional rule, relating to the records of the Secret Sessions of the Senate.

Mr. Day gave notice that he would, on to-morrow, introduce a bill for An Act to provide for the Disposal of the Forty-Six Thousand and Eighty Acres of Land donated to the State of California for Seminary Purposes.

Mr. Burnett gave notice that he would, at an early day, introduce a bill to authorize the admission of Robert C. Milner, an unnaturalized citizen, to practice as an Attorney and Counselor at Law, before the Courts of this State, upon passing the usual examination.

Mr. Gove presented a petition from Settlers of Sacramento County, praying the passage of an Act embodying the principles promulgated at a late State Settlers' Convention.

Referred to the Judiciary Committee.

Mr. Ferguson presented a communication from Dr. J. T. Sharkey, State Vaccine Agent.

Referred to the Committee on Claims.

Leave being granted, Mr. Ferguson introduced a bill for An Act for the Relief of Samuel J. Frisbee, which was read a first and second times, and referred to the Committee on Claims.

Leave being granted, Mr. Ferguson introduced a bill for An Act for the Relief of the Sacramento Fire Department, which was read a first and second times, and referred to the Sacramento Delegation.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee, to whom was referred Assembly Bill No. 26, entitled An Act amendatory to an Act entitled "An Act to provide for the Disposal of Lots in the Towns and Villages on the Public Lands in Humboldt County," passed April 27th, 1855, have had the same under consideration, and beg leave to report the same back to the Senate and recommend its passage, with the following amendments :

Section 6, line 11, between the words "Act," and "the," insert "and no conflicting claim shall have been filed."

Section 9, line 1, strike out "improved," and insert "unproved."

Also, Senate Bill No. 86, entitled An Act to provide for the Payment of the Salary of the County Judge of Sacramento County ;" and,

Senate Bill No. 84, entitled An Act to amend, and supplementary to, "An Act to apportion the Senatorial and Assembly Districts of this State," passed May 18th, 1853, and recommend their passage.

W. I. FERGUSON,  
Chairman.

Placed on file.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee to whom was referred a petition praying for, and two protests, protesting against, the abolishment of the office of State Gauger, for the Port and City of San Francisco, signed by citizens of that city, have had the same under consideration and would respectfully recommend the indefinite postponement of the subject.

W. I. FERGUSON,  
Chairman.

Placed on file.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee, to which was referred Senate Bill No. 78, entitled An Act to amend an Act entitled "An Act to regulate Proceedings in Criminal Cases," passed May 1st, 1851, have had the same under consideration and respectfully recommend its passage.

W. I. FERGUSON,  
Chairman.

The bill was made the special order for to-morrow at 12 o'clock, M.

On motion of Mr. Rust, the Secretary was instructed to report to the Senate to-morrow, all rules adopted by the Senate and not printed.

On motion of Mr. Coffroth, the Senate adjourned.



## IN SENATE.

SATURDAY, March 8th, 1856.

Senate met pursuant to adjournment.

Lieutenant-Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Journal read and approved.

Mr. Burnett presented the following petition, which was referred to the Judiciary Committee :

MARYSVILLE, March 4th, 1856.

*To the Legislature of the State of California :*

The undersigned would respectfully represent to your Honorable Body, that Robert C. Milner, an Englishman by birth, has resided in the State of California for the last eighteen months. That soon after his arrival in said State he properly declared his intention to become a citizen of the U. S. That said Milner has, during his residence in this country, been diligently engaged in the study of the law, and as your petitioners believe, is now sufficiently versed in the principles thereof to authorize his admission to the bar as an attorney and practitioner.

We further recommend said Milner as a man whose learning, high moral character and habits of industry render him in every way worthy of the favor asked of your Honorable Body, namely, that of his admission to the bar as an attorney, after he shall have undergone the examination usual in such cases, from which admission he is debarred in the ordinary mode of procedure, in consequence of "An Act concerning Attorneys and Counselors at Law," passed February 19th, 1851.

Wherefore, we respectfully petition your Honorable Body for the passage of a special act, authorizing his admission to the bar after he shall have undergone the necessary examination.

J. J. FOSTER,  
E. D. WHEELER,  
And 20 others.

Mr. Normau presented the following petition, which was referred to Committee on Internal Improvements :

*To the Honorable the Senate and Assembly of the State of California :*

Your petitioners would most respectfully represent that they deem the early construction of a good and passable wagon road from the point known as "The Big Tree" in Calaveras County, to Carson Valley, of most vital importance to a large portion of the State of California. That from information, which they

deem accurate and reliable, obtained from exploring parties who have examined the route between the Big Tree and Carson Valley, for the purpose of ascertaining its practicability, they deem it most feasible and practicable of any route within the State for the construction of a wagon road across the Sierra Nevada mountains.

That a good wagon road may be constructed, of an easy and moderate grade, from the Big Tree to the eastern boundary of the State of California, at comparatively small expense to the State.

That a passable road, between the points named, would materially lessen the distance between Carson Valley and the southern mines and a large portion of the agricultural counties of the State, and enable immigrants to perform the trip with far less labor and expense than by any of the routes now traveled.

That for the sum of \$35,000, a road may be constructed from the Big Tree to the eastern boundary of the State of California, that will be passable at all seasons of the year. And to the end that a good wagon road may be constructed from the point known as the Big Tree to the eastern boundary of the State, immigration encouraged and the welfare of the State advanced, therefore, your petitioners pray that there may be appropriated by the Legislature of the State of California the sum of \$35,000, for the construction of a wagon road over the route between the points herein specified. And, as in duty bound, your petitioners will ever pray, etc.

Signed,

THOS. B. WADE,

And 463 others.

According to previous notice, Mr. Day introduced a bill for An Act to provide for the disposal of the 46,080 acres of land donated to the State of California for seminary purposes.

Read twice and referred to the Committee on Education.

According to previous notice, Mr. Burnett introduced a bill for An Act to authorize the admission of Robert C. Milner as an Attorney and Counselor in the courts of this State, which was read twice and referred to the Judiciary Committee.

According to previous notice, Mr. Coffroth introduced a bill for An Act to amend an Act entitled "An Act concerning Roads and Highways," passed April 28th, 1855, which was read a first and second times and referred to Committee on Roads and Highways.

Mr. Flint presented the following report :

*Mr. President :*

Your Committee on Contingent Expenses have examined the bills of Senators Hawks, Tilford, Scellen and Coffroth for mileage as your Committee directed, to take testimony with regard to the Land Sales in San Francisco, and would report that your Committee are unable to find any authority for their payment, and beg leave to submit the same for the action of the Senate.

W. FLINT,  
Chairman.

The following resolution, accompanying the report of the Committee, was adopted :

*Resolved*, that the Controller of State is hereby authorized to draw his warrant on the Treasurer of State in favor of W. W. Hawks, for \$224 ; John D. Scellen, \$224 ; Frank Tilford, \$224 ; James Coffroth, \$112 ; for mileage as members of the Committee to inquire into Land Sales at San Francisco, and the same shall be paid out of the Contingent Fund of the Senate.

Mr. Flint presented the following report :

*Mr. President :*

Your Committee on Contingent Expenses have examined the accounts of Senators McGee, Bynum and Westmoreland for mileage, as members of your Committee on State Prison, and beg leave to report a resolution for their payment.

WILSON FLINT,  
Chairman.

The following resolution, accompanying the report, was adopted :

*Resolved*, That the Controller of State is hereby authorized to draw his warrant on the Treasurer in favor of Senator McGee, for \$124 ; Bynum, for \$124 ; Westmoreland, for \$124 ; for mileage as members of the State Prison Committee, and the same shall be paid out of the Contingent Fund of the Senate.

Mr. Flint presented the following report :

*Mr. President :*

Your Committee on Contingent Expenses have examined the accounts of Ferris Forman, Esq., for postage from February 1st to March 1st, and beg leave to report a resolution for their payment and recommend its passage.

WILSON FLINT,  
Chairman.

The following resolution, accompanying the report, was adopted :

*Resolved*, That the Controller of State is hereby authorized to draw his warrant on the Treasurer in favor of Ferris Forman, for \$369 95, for postage from February 1st to March 1st, and the same shall be paid out of the Contingent Fund of the Senate.

Mr. Cosby presented the following report :

The Committee on Military Affairs, to whom was referred Senate Bill No. 109, entitled "An Act amendatory of, and supplemental to, An Act concerning the Organization of the Militia," passed April 25th, 1855, beg leave to report the same back to the Senate and recommend its passage.

J. D. COSBY,  
Chairman on Military Affairs.

On motion, the rules were suspended and the bill read a second time.

Mr. Norman moved to strike out the last section of the bill.

The ayes and noes were demanded by Messrs. Norman, French and Crandall, with the following result :

AYES.

Messrs. Burton, Crandall, Day, De la Guerra, Dosh, Fiske, French, Heintzelman, Hook, McCallum, McNeill, Norman, Shaw and Westmoreland—14.

NOES.

Messrs. Burnett, Bynum, Coffroth, Cosby, Ferguson, Flint, Gove, Mandeville, McCoun, Rust, Scellen, Tilford and Wilson—13.

So the last section of the bill was stricken out.

Mr. Heintzelman moved to strike out the words "one dollar," in the first section of the bill and insert "fifty cents."

Mr. Norman called for a division of the question.

On the question of the striking out, the motion was lost.

On motion of Mr. Tilford the bill was recommitted to the Committee on Military Affairs.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee, to whom was referred Senate Bill No. 12, substitute for the same, and Senate Bill No. 23, to quiet Land Titles in this State and for the protection of actual Settlers, have had the same under consideration and recommend their indefinite postponement.

They also recommend the passage of the following substitute.

W. I. FERGUSON,  
Chairman.

Adopted.

Mr. Heintzelman moved to make the substitute reported by the Judiciary Committee, the special order for Friday next, and that 500 copies of the same be printed.

Mr. De la Guerra moved to amend by inserting Monday, March 17th, at 12 o'clock.

Upon which the ayes and noes were demanded by Messrs. Heintzelman, Ferguson and Burton, with the following result :



March 8.]

445

AYES.

Messrs. Coffroth, Cosby, Day, De la Guerra, Fiske, Flint, French, Hawks, Hawthorne, McNeill, Norman, Rust, Scellen, Tilford and Wilson—14.

NOES.

Messrs. Burnett, Bynum, Crandall, Dosh, Ferguson, Gove, Heintzelman, Hook, Mandeville, McCallum, McCoun, Shaw and Westmoreland—13.

So the motion to print 500 copies and make the substitute the special order for Monday, 17th of March, was carried.

On motion, Senate Bill No. 12, and Substitute for the same, and Senate Bill No. 23, on the subject of Land Titles, were indefinitely postponed.

The hour for the special order of the day having arrived, being Senate Bill No. 78, "An Act to regulate proceedings in Criminal Cases," passed May 1st, 1851.

On motion the same was laid on the table.

The following message was received from his Excellency, the Governor :

EXECUTIVE DEPARTMENT,  
March 5th, 1856. }

*To the Hon. the Senate and Assembly of the State of California :*

On the 3d inst., I addressed a communication to the Assembly in relation to recent Indian disturbances in the northern portion of the State ; and on yesterday casually meeting Gen. Wool, the Commanding Officer of the Pacific Division of the U. S. Army at San Francisco, I learned it was his intention, at once, to order more troops to the vicinity of those disturbances, and that official information might be laid before your respective bodies. I addressed a letter to that officer requesting him to inform me what measures he had in contemplation and would adopt in protecting our citizens from these threatened hostilities. I received in reply a letter, of which the accompanying is a copy, and I hasten to lay the same before your respective Bodies for such consideration as you may deem necessary and proper.

I have the honor to be,  
Your obedient servant,

J. NEELY JOHNSON.

HEAD-QUARTERS, DEPARTMENT OF THE PACIFIC, }  
Benicia, Cal., 4th March, 1856. }

*To his Excellency, J. NEELY JOHNSON,  
Governor of California :*

SIR—I have the honor to acknowledge the receipt of your communication of this date, relative to the calling out of the Volunteers for the defense of the northern frontier of California, and especially for the citizens of Crescent City and its vicinity. In reply, I would remark that I do not think there is the slightest necessity for any such call. There is no Indian war in California at the present time, and I do not believe there will be, unless unnecessarily provoked. To guard and protect the citizens of Crescent City, I have now fifty men under Capt. D. Floyd Jones ; I will send up on the steamship Columbia, which will leave on the 6th inst., twenty men, to fill up that company ; and Capt. Ord's company, seventy men strong. I have also ordered Major Wise to proceed with all possible dispatch to Fort Lane. In a few days I will have, altogether, on the southern frontier of Oregon, at different points, eight companies, making an aggregate force of six hundred and fifty rank and file.

But a short time since it was reported that there were not but one hundred warriors in arms against the whites ; it is now reported that in the recent massacre of the whites there were three hundred. This is the largest number I have heard of, from any quarter, as being in the field. If, however, the force already, and which will be, in the field in the course of a few days, is not sufficient to conquer the Indians in Southern Oregon, I will, as soon as I arrive at Vancouver, (to which point I propose to proceed on the 6th inst.,) send an additional force from that post, by the return of the steamer Columbia.

In conclusion, on this subject of calling out Volunteers, I would refer you to the report of the Secretary of War, recently made to the President of the United States, and with his message, laid before the present Congress. He says, in substance, in his remarks, that the calling out of Volunteers to act with the Regulars, will necessarily be discretionary with the Commander of the Department of the Pacific.

I have the honor to be,  
Very respectfully,

Signed,

JOHN E. WOOL,  
Major-General.

Referred to Committee on Military Affairs.

The following message was received from the Assembly :

*Mr. President :*

I am directed to inform the Senate that the Assembly have concurred in the recommendation of the Committee of Conference in relation to the Act making appropriations for the Civil Expenses of the Government of the State.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

The following message was received from the Assembly :

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed Assembly Bill No. 129, An Act supplementary to an Act entitled "An Act concerning the Office of Reporter," passed April 12th, 1850.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

The bill was read a first and second times and referred to the Judiciary Committee.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
March 7th, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly on yesterday (6th inst.) passed Senate Bill No. 102, An Act to fix the Time for holding the Terms of the District Court of the Tenth Judicial District of this State ; also, on this day, amended and passed—

Senate Bill No. 103, An Act to authorize the Board of Supervisors of Racer County to levy a Special Tax.

Respectfully submitted,

A. M. HAYDEN,  
Assistant Clerk Assembly.

Assembly amendments to Senate Bill No. 103 were concurred in.

The following message was received from the Assembly :

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed the following bills :

Assembly Bill No. 144, An Act concerning the Collection of Taxes now due in the County of Marin.

Assembly Bill No. 127, An Act to authorize the Funding of the Debt of the City of San José, to provide for the Payment of the same.

Assembly Bill No. 100, An Act to legalize the Incorporation of the Town of Santa Clara.

Assembly Bill No. 104, An Act to amend an Act entitled "An Act to regulate the Fees of Office," passed April 10th, 1855.

Senate Bill No. 35, An Act to authorize the State Treasurer to issue a Duplicate Land Warrant to Geo. W. Coffee.

Senate Bill No. 66, An Act to amend "An Act fixing the Time of holding

the several Courts authorized to be held by County Judges in the Counties of Shasta, Santa Clara and Monterey."

Senate Bill No. 64, An Act to amend "An Act to fix the Time of holding the District Court in the Third Judicial District.

Also, concurred in the following resolution :

"*Resolved*, By the Senate, the Assembly concurring, that the officers of this State in command of the several expeditions against the hostile Indians, be authorized to sign their names officially to such muster rolls as have not the certificates properly attached thereto."

Assembly Bill No. 88, An Act to amend an Act entitled "An Act to regulate Proceedings in Criminal Cases," passed May 1st, 1851.

Assembly Bill No. 114, An Act to amend "An Act to establish the Salaries of the Judges of the Thirteenth, Fourteenth and Fifteenth Judicial Districts, and to define the Time for holding Courts in said Districts," approved April 28, 1855.

Assembly Bill No. 125, An Act amendatory of "An Act concerning County Judges," passed April 4th, 1854 ; and, also, an Act which passed April 3d, 1855, amendatory of the above recited Act.

Senate Bill No. 46, An Act amendatory of "An Act concerning Corporations," passed April 22d, 1850 ; also,

Passed the following concurrent resolutions in regard to Carson Valley :

Respectfully submitted,

A. M. HAYDEN,  
Assistant Clerk Assembly.

The following bills, enumerated by title in the foregoing message, were respectively read a first and second times and referred as designated :

Assembly Bill No. 144, to Senator Heintzelman.

" " 88, to Judiciary Committee.

" " 100, to Senator Day.

" " 104, to Judiciary Committee.

" " 114, " "

" " 125, " "

" " 127, to Senator Day.

The following Assembly Preamble and Joint Resolutions were read a first and second times and referred to the Judiciary Committee :

WHEREAS, A large number of the citizens of Carson Valley, in Utah Territory, have petitioned Congress to be set off from said Territory of Utah, and to be attached to the State of California, for good reasons, as set forth in their petition ; and, *whereas*, they have also asked the co-operation and aid of this Legislature to secure a result of so vital interest to their prosperity and happiness. Therefore,

*Resolved*, By the Senate and Assembly of California, that we acquiesce in the wishes of the citizens of Carson Valley, as set forth in their petition, to be attached to California, and that we request our Senators and Representatives in Congress to urge the passage of a law making the 118th meridian of Longitude West from Greenwich the eastern boundary of California, from the point on the southern boundary line of Oregon crossed by said meridian, to a point in the eastern line of California intersected by the said meridian.



*Resolved*, That the Governor of the State be requested immediately to forward to our Senator and Representatives in Congress copies of these Joint Resolutions.

The following message was received from the Assembly :

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed Senate Concurrent Resolution granting leave of absence to William T. Barbour, District Judge of the Tenth Judicial District.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

The following communication was received from the Secretary of the Senate :

SENATE CHAMBER,  
Sacramento, March 7th, 1856. }

*To the Hon. the Senate of California :*

In compliance with a resolution adopted by the Senate yesterday, calling upon the Secretary for information relating to the various amendments engrafted upon the Standing Rules of the Senate during the present session, I have the honor to submit the subjoined report.

Respectfully,

W. BAUSEMAN,  
Secretary of Senate.

Jan. 12th, 1856—Mr. Tilford offered a resolution amending Section 3 of Rule 21, so as to read as follows :

“Committee on Judiciary to consist of nine members.”

No objection being made, the rules were suspended and resolution adopted.

Jan. 14th, 1856—Mr. Burton moved to amend the 1st Standing Rule of the Senate, by inserting after the word “day” the words “After which the Secretary shall proceed to call the roll and note the absentees.”

The amendment was adopted.

Jan. 15th—Mr. Hawks moved to amend the 27th Standing Rule of the Senate, by striking out the word “ten” and inserting “eleven,” relating to the hour of meeting.

Adopted.

On motion of Mr. Mandeville, the 2d Standing Rule of the Senate was amended as follows :

Rule 2d. After the reading and approval of the Journal, the order of business shall be as follows :

1. Presentation of Petitions.
2. Second Reading and Reference of Bills.
3. Introduction of Bills.
4. Notices.
5. Reports of Standing Committees.
6. Reports of Select Committees.
7. Messages from the Governor.
8. Messages from the Assembly.
9. Motions and Resolutions.
10. The Third Reading of Bills.
11. Unfinished Business of the Preceding Day.
12. Special Order of the Day.

Jan 31st—According to previous notice, Mr. Ashley introduced the following addition to the Standing Rules of the Senate :

“All bills and other matters requiring a third reading shall, after the second reading, if not referred ; but if referred, then on being reported, be placed upon a general file and shall be taken up for the third reading and final action in the order they are placed on said file.”

Adopted.

Feb. 9th—According to previous notice, Mr. Lippincott moved to amend the Standing Rules of the Senate by dispensing with the roll-call in the mornings, which was carried by ayes, 20 ; noes, 10.

According to previous notice, Mr. Day introduced the following additional rule :

The legislative proceedings, the executive proceedings and the confidential legislative proceedings of the Senate shall be kept in separate and distinct books, and all these books shall be deposited, at the close of the session of the Legislature, in the office of the Secretary of the State ; and the books containing the executive proceedings and the confidential legislative proceedings shall be so deposited in sealed envelopes. The Governor of the State shall, from time to time, be furnished with an authenticated transcript of the executive records of the Senate, and all nominations approved or definitely acted on by the Senate, shall be reported to the Governor by the Secretary, from day to day, as such proceedings may occur, but no further extract from the Executive Journal shall be furnished except by special order, nor shall any paper be returned or delivered from the office of the Secretary without an order from the Senate for that purpose.

On motion of Mr. Burton, the report of the Secretary and the additional rule offered by Mr. Day were referred to the Engrossing Committee with instructions to engross the same in connection with all the other rules of the Senate.

Mr. Flint presented the following report :

*Mr. President :*

Your Committee on Contingent Expenses have examined the account of John W. Ross, Sergeant-at-Arms of the Senate, for mileage while on official business by order of the Senate, and sundry expenses while in attendance of your Committee in San Francisco, and beg leave to report a resolution providing for his payment.

WILSON FLINT,  
Chairman.

The following resolution, accompanying the report, was adopted :

*Resolved*, That the Controller of State is hereby authorized to draw his warrant on the Treasurer in favor of John W. Ross, Sergeant-at-Arms, for the sum of \$337 80, for mileage and expenses incurred in San Francisco while on official business of the Senate, and the same shall be paid out of the Contingent Fund of the Senate.

Mr. Tilford presented the following report, which was adopted :

*Mr. President :*

The Committee on Enrollment has examined, and found correctly enrolled, An Act entitled an Act to fix the Terms of Court of the Tenth Judicial District, and that the same was this day presented for his signature to the Governor.

F. TILFORD.

Mr. Burton presented the following resolution, which was adopted :

*Resolved*, That the Enrolling Clerk be allowed an assistant from this date.

The following Joint Resolution, introduced by Mr. Tilford, was read a first and second times.

On motion, the rules suspended, read a third time and adopted.

*Resolved*, By the Senate and Assembly that our Senators be instructed, and our Representatives in Congress be requested, to urge upon the Postmaster-General of the United States the necessity and propriety of establishing a daily line of mail communication in four-horse coaches, between Shasta City, in California, and Marysville, Oregon Territory, *via* Yreka, in this State, and Jacksonville, Kenyonville and Winchester, in the said Territory.

Mr. Westmoreland offered the following resolution, which was referred to the Committee on Contingent Expenses :

*Resolved*, That the Controller be required to audit and allow George D. Nagle, M. F. Butler, J. E. Woods, George T. Bohen and O. H. Rand, the sum of \$196 each for services rendered as architects for measuring the State Prison Wall, for mileage, etc.

Mr. McCoun offered the following resolution, which was adopted :

*Resolved*, That 500 copies of the report of the Resident Physician of the State Insane Asylum, be printed for the use of the Senate, and 250 copies for the use of the Resident Physician.

Mr. McCoun presented the accounts of Mr. Flint.

Referred to the Committee on Contingent Expenses.

Mr. Shaw presented the accounts of Baker & Co.

Referred to the Committee on Contingent Expenses.

Leave being granted, Mr. Burnett introduced a bill for An Act to authorize the guardian of Minna Buchanan to sell and dispose of her real estate and chattels real, which was read a first and second times and referred to the Judiciary Committee.

On motion of Mr. McCoun, Senate Bill No. 103, for An Act concerning Official Advertisements and to provide for their Payment, was taken up and made the special order for Tuesday next at 12 o'clock, M.

Mr. French moved that Senate Bill No. 78, to regulate proceedings in criminal cases, be placed at the foot of the Calendar.

Lost.

Mr. Shaw moved that it be made the special order for this day two weeks, and afterward withdrew the motion.

Mr. French renewed it.

The bill was considered in Committee of the Whole.

On motion of Mr. Mandeville, the Committee rose and reported the bill back to the Senate.

Mr. Mandeville moved that the Senate adjourn.

The ayes and noes were demanded by Messrs. Hawks, Rust and Ferguson, with the following result :

AYES.

Messrs. Burton, Crandall, De la Guerra, Fiske, Flint, French, Gove, Hook, Mandeville, McNeill, Scellen, Shaw and Westmoreland—13.

NOES.

Messrs. Burnett, Bynum, Coffroth, Cosby, Ferguson, Hawks, Heintzelman, McCallum, McCoun, Rust, Tilford and Wilson—12.

So the Senate stood adjourned.



IN SENATE.

MONDAY, March 10th, 1856.

Senate met pursuant to adjournment.

Lieutenant-Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of Saturday read and approved.

Mr. Burton, from Committee on Enrollment reported back Substitute for Assembly Bill No. 38, An Act making Appropriations for the Civil Expenses of the Government of this State, with an error in the engrossment of the same.

On motion of Mr. Burton, the bill was referred back to the Committee on engrossment for correction.

Mr. Coffroth presented a petition from Silas Wilcox, County Surveyor of Stanislaus County, asking the allowance of a certain bill for services rendered under instructions from the Surveyor-General.

Referred to the Committee on Claims.

Mr. French presented the weekly account of the Postmaster at Sacramento for Senate postage.

Referred to the Committee on Contingent Expenses.

Mr. Gove presented a petition from Settlers of Sacramento County, praying the passage of a law in conformity with the principles contained in the resolutions adopted at the State Settler's Convention held in Sacramento on the 8th and 9th day of August, 1855.

Placed on file.

On motion of Mr. Burton, the Secretary of the Senate was instructed hereafter, to copy on his Journal only so much of the various petitions presented as will give a correct idea of their object and intention, without copying the petitions themselves; and to request the printer to omit publishing the petitions, thus far copied on his Journal, except in the form indicated.

Leave being granted, Mr. Mandeville introduced a bill for An Act to authorize the State Treasurer to pay certain coupons.

Read a first and second times, rules suspended, read a third time and passed.

Leave being granted, Mr. McCallum introduced a bill for An Act fixing the Times at which Representatives to Congress shall be elected.

Read a first and second times and referred to the Committee on Federal Relations.

Leave being granted, Mr. Heintzelman introduced a bill for An Act to authorize John H. Hill, Guardian of the person and Estate of Wm. R. Burns, a Lunatic, to sell and convey by private sale, the Real Estate of his said Ward.

Read a first and second times, rules suspended, read a third time and passed.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee, to whom was referred Assembly Bill No. 88, entitled An Act to amend an Act entitled "An Act to regulate Proceedings in Criminal Cases," passed May 1st, 1851 ; also,

Assembly Bill No. 129, entitled An Act supplementary to "An Act concerning the Office of Reporter," passed April 12th, 1850, have had the same under consideration and respectfully recommend its passage ; also,

Senate Bill No. 117, entitled An Act to authorize the Guardian of Minna Buchanan to sell and dispose of her Real Estate and Chattels, real, and recommend its passage, with the following amendment :

Wherever the name of Minna Buchanan occurs, insert "C." between Minna and Buchanan, and, also, strike out the fourth section of the bill.

W. I. FERGUSON,  
Chairman.

On motion of Mr. Lippincott, Senate Bill No. 117, for An Act to authorize the Guardian of Minna C. Buchanan to sell and dispose of her Real Estate and Chattels Real, was taken up in Committee of the Whole.

After some time so spent, the Committee rose and reported the bill back to the Senate.

Read a second time, rules suspended, read a third time and passed.

On motion of Mr. Coffroth, the Senate took up Assembly Bill No. 129, entitled An Act supplementary to "An Act concerning the Office of Reporter," passed April 12th, 1850, and considered the same in Committee of the Whole.

After some time, so spent, the Committee rose and reported the bill back to the Senate.

Read a second time.

Mr. Burton moved to lay the bill on the table.

Lost.

Mr. McCallum moved to make it the special order for Wednesday next, at 12 o'clock, M.

Upon which the ayes and noes were demanded by Messrs. Burton, Norman and Waite, with the following result :

AYES.

Messrs. Burnett, Burton, Crandall, Hawthorne, Hook, Mandeville, McCallum, McNeill, Norman and Waite—10.

NOES.

Messrs. Bynum, Coffroth, Cosby, Dosh, Ferguson, Fiske, French, Gove, Hawks, Lippincott, McCoun, Rust, Scellen, Shaw, Tilford, Westmoreland and Wilson—17.

So the motion was lost.

The hour for the special order having arrived, Mr. Rust moved to lay the same on the table temporarily.

Carried.

The question recurring on the passage of Assembly Bill No. 129, the ayes and noes were demanded by Messrs. Burton, Hook and Norman, with the following result :

AYES.

Messrs. Bynum, Coffroth, Cosby, De la Guerra, Ferguson, Fiske, French, Gove, Hawks, Hawthorne, Lippincott, McCallum, McCoun, Rust, Tilford, Westmoreland and Wilson—17.

NOES.

Messrs. Burnett, Burton, Crandall, Dosh, Heintzelman, Hook, Mandeville, McNeill, Norman and Shaw—10.

So the bill passed.

Mr. McCallum gave notice that on to-morrow he would move a reconsideration of the vote by which the bill passed.

A difficulty having occurred in the Lobby of the Senate Chamber between certain parties, the Sergeant-at-Arms was ordered by the Chair to take them under arrest and bring them before the bar of the Senate.

On motion of Mr. Cosby, the parties were released on giving their parole of honor that they would appear before the Senate to-morrow at 11 o'clock, A. M.

Assembly Bill No. 88, An Act to amend an Act entitled "An Act to regulate Proceedings in Criminal Cases," passed May 1st, 1850, reported back by the Judiciary Committee, was filed on the Calendar.

The special order of the day, being Assembly Concurrent Resolution relating to the election of N. P. Banks, Jr., as Speaker of the House of Representatives of the United States, was taken up.

Mr. McCoun moved to make the resolution the special order of Tuesday next, at 1 o'clock, P. M.

Upon which the ayes and noes were demanded by Messrs. French, Coffroth and Westmoreland, with the following result :

AYES.

Messrs. Burnett, Burton, Bynum, Coffroth, Cosby, Ferguson, Fiske, Hawthorne, McCallum, McCoun, Seellen, Tilford and Waite—13.

NOES.

Messrs. Crandall, Dosh, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, Westmoreland and Wilson—14.

So the motion was lost.

Mr. Cosby offered the following substitute for the resolution :

WHEREAS, It is not the State or National policy of the People of California to destroy her influence over the sectional dissensions of her sister States, by taking part in said dissensions : Therefore,

*Resolved*, By the Senate, the Assembly concurring, that the State of California declines expressing through her Legislature any opinion with regard to the recent election of Speaker of the U. S. House of Representatives. That this State still adheres to the doctrine of non-intervention. That said State is opposed to the agitation of all questions of a sectional character from whatever quarter of the Union they may come. That the people of California will maintain, in the future, as they have successfully in the past a conservative position and they will take no action through the Legislature which may destroy or tend to destroy her conservative influence in the U. S. Congress.

Mr. Coffroth moved to adopt the Substitute.

Upon which the ayes and noes were demanded by Messrs. Coffroth, French and Dosh.

Mr. Rust demanded a call of the Senate.

Sustained.

On motion of Mr. Coffroth, leave of absence for one day, was granted to Mr. Day.

On motion of Mr. Burton, leave of absence for one day, was granted to Mr. McGee.

On motion of Mr. French, leave of absence for one day, was granted to Mr. Flint.

The roll was called and Mr. De la Gnerra found to be absent without leave.



On motion of Mr. McCallum, further proceedings under the call were dispensed with.

Mr. Ferguson moved that the subject be made the special order for Thursday next, at 12 o'clock, M.

Agreed to.

Mr. McCoun presented the following report :

*Mr. President :*

Your Committee on Contingent Expenses, have examined the accounts of Geo. T. Bohen, O. H. Rand, Geo. D. Naglee, M. F. Butler and J. C. Goods, for services in measuring the State Prison Wall, beg leave to report that they are entitled to \$196 each, and herewith report a resolution providing for their payment.

WILSON FLINT,  
Chairman.

Mr. McCoun moved to suspend the rules that the resolution might be adopted.

Not agreed to.

The following resolution was then placed on file :

*Resolved*, That the Controller of State is hereby authorized to draw his warrant on the Treasurer in favor of Geo. T. Bohen, for \$196 ; O. H. Rand, \$196 ; Geo. D. Naglee, \$196 ; and J. C. Goods, for \$196—for services in measuring the State Prison Wall ; and the same shall be paid out of the Contingent Fund of the Senate.

Mr. Dosh presented the following minority report from the Committee on Mines and Mining Interests, one thousand copies of which, on motion of Mr. Cosby, were ordered printed :

*Mr. President :*

The undersigned, a minority of the Committee on Mines and Mining Interests, to whom was referred Senate Bill No. 11, which proposes to repeal Section 1 of an Act passed April 30, 1855, entitled "An Act to amend an Act to provide for the Protection of Foreigners, and to define their Liabilities and Privileges," passed March 30, 1853, respectfully beg leave to report, that they have given the whole subject matter a most careful consideration ; and finding it impossible to approve the sentiments and recommendations of the report adopted by a majority of this Committee ; but believing them to be unwise and impolitic, and contrary to the wishes of a large majority of the electors of this State, we have felt it to be a duty which we owe to our immediate constituency, to make this counter report, and in their name protest against any disturbance of the several Acts now in force in regard to the liabilities and privileges of foreigners in this State. To this end, we most earnestly recommend an indefinite postponement of the bills under consideration.

The purpose of Senate Bill No. 11, the passage of which is so earnestly recom-

mended, and ably argued in the majority report, is simply this: The reduction of the tax at present imposed, for the privilege of working the mines of California, upon that portion of our foreign population who are by law ineligible to become citizens of the United States, from the sum of six dollars to four dollars per month. And it is to defeat this purpose, that we recommend the indefinite postponement of the bill.

You will here, however, permit us to remark, that, in making this recommendation, we have not done so hastily and without due investigation. We are profoundly impressed with the momentous importance of a question that involves the disposition of the forty or fifty thousand Chinese now sojourning on our shores. We regard it as of paramount interest to all other questions that are now before the Legislature. We look upon it as a matter of too much importance to be considered alone with reference to its *temporary* results. Taking hold, as it does, not only of the present, but reaching out into the far distant future, its possible and probable results *there* should also be weighed and profoundly considered by the legislator. With these assurances, we propose to submit, in a very brief and fragmentary manner a few remarks in support of the position which we occupy in reference to Senate Bill No. 11. And first we would inquire:—

Is the object which the bill proposes to accomplish, viz, a reduction of the Chinese tax full one-third from the sum now fixed by law, recommended by a sound State policy?

We think not. True, if the Chinese were a desirable population—if their labor was necessary to the development of the immense riches which California, to use the beautiful and vivid language of the majority report, has “cradled between the snowy mountains which mark her eastern boundary, and the wide rolling Pacific,” then we, too, would urge the removal of all existing restrictions, and demand that they be permitted to go into our mines, and enjoy, “without money and without price,” all immunities and privileges possessed by our own citizens. But are they such a population? and does such necessity for their labor exist? Who will answer these questions in the affirmative? Who among the people will, or have answered thus? No one, save an occasional trader, or packer, or merchant, or, perhaps, some stage or steamboat man, and their immediate friends, who are directly benefited by the presence of the Chinamen in our midst. But surely no such response will be heard coming from that class of men who constitute the great majority of the population of this State—we mean the laborers, the workingmen—that class to whose strong arms California is indebted for her wondrous rise and unexampled progress, in the short period of six years, from almost utter obscurity to a position alongside of the wealthiest and most important States of our proud Republic.

No, Mr. President; the workingmen of California do not demand the repeal of the existing law in regard to the Chinese Tax. They are satisfied with its operation. That law was placed upon our statute books in obedience to the almost unanimous voice of the electors of this State, and especially that portion of them more immediately interested—the miners. They believe that such a law would *encourage the Chinese to gradually leave the State*; experience has proved that such is the effect of the law. Is it then reasonable to suppose that they are dissatisfied with it now, because it is operating precisely as they anticipated and hoped? If so, then we ask those whose sympathies are with the Chinamen—where are the evidences of this dissatisfaction? Has any voice ever reached this hall, coming from the miner's cabin, in the mountains, or the humble cottage of the laboring man, in our cities and villages, that asks for its repeal? No. Where then do we find indications of the people's dissatisfaction? Can any one, with truthfulness, say that such dissatisfaction does really exist? If

so, then we frankly, and with a proper degree of humiliation, confess that we have utterly failed to discover it, and are totally incompetent to the task of fixing its "local habitation."

True, a few petitions from one or more mountain counties, and one from sundry merchants of San Francisco, have been presented to the present Legislature, praying for a modification of the existing law so far as it has reference to the Chinese. But when it is remembered with what universal satisfaction, in every portion of the country, the passage of the statute now in force was received less than one year since, it will, we doubt not, be thought by you, as it is by ourselves, that these petitions have already received the only consideration to which they are entitled.

But, in the absence of any demand on the part of the people for a repeal of the law of 1855, we are gravely told by the majority report, which urges the repeal of that law, that it was passed "without due investigation," that it was a "hasty, imprudent and mischievous piece of legislation, unauthorized by the existence of any evil at the time in view, or demanded by any fair expression of public opinion." In reply, we have only to state what is well known to every newspaper reader in the State, that the last Legislature was literally flooded with petitions and proceedings of miners' meetings, from almost every mining county in the State, praying the Legislature to enact a law which would more effectually rid the State of the disgusting presence of the Chinese, than did the law of 1853. And that it was in obedience to this almost unanimous demand of the miners that the Legislature of 1855, after a longer and more thorough investigation than they gave to any other question during the session, placed upon the statute book the law now in force. In the face of these facts, which should be so familiar to every legislator, it is astonishing that the authors of the majority report, who "availed themselves of every accessible means of information," should make the extraordinary declaration that "the law now in force was passed and became a law without due investigation."

But is urged, and this seems to be considered by the friends of reduction as the unanswerable argument in its favor, that, unless our laws are so modified as to encourage these fifty thousand Chinamen to remain among us, our State and County Treasuries will speedily approach bankruptcy. Were it not for the fact that this argument is used by gentlemen with all the seriousness and gravity becoming legislators, we would be disposed to look upon it as one of the many facetious emanations of the fertile brain of that incomparable wit, "Squibob," which keep the good people of California in a state of uninterrupted good humor; but, coming as it does from grave legislators, we are forced to treat it with becoming gravity. In doing so, however, we confess to a feeling of more than ordinary humiliation. Our pride as Americans, and more especially as Californians, is humbled, when we hear intelligent citizens, through the columns of the newspapers and otherwise, confess the belief, if the Chinese should some fine day determine to return to their Oriental homes and put that determination into execution, that the great State of California would be financially crippled! reduced almost to the verge of bankruptcy! Can it be possible that any facts exists upon which such an extraordinary opinion can be justly based.

Is it true that the hundred thousand Californians are so poor that they cannot support a government without the aid of the fifty thousand miserable and bestial Chinese now in our midst? We cannot believe it. The very idea is an insult to every citizen within our borders. It is a reflection upon them as men, as Californians, as patriots. It is a libel upon them as Americans. It argues that they are unfit to enjoy, and incapable of supporting a government of their own making. From such a slander, the intelligent people of this State need no vindication.



Our Christianity is also appealed to, and we are told by many good men who have at heart the conversion and enlightenment of the heathen, that the law of 1855 presents a most serious obstacle in the path of the missionary. If this be so, as Christian men we most truly deplore it. In common with good men of every Christian land, who would see the dark places of the heathen world illumined by the Gospel of Truth, we desire to encourage the Christian missionary in the prosecution of his arduous, exalted and most holy work. To accomplish this we are willing to render every assistance which our duty as men and legislators demands. But if the Chinese make it a condition precedent to their conversion to Christianity, that we take them to our bosoms and permit them to work our gold mines, then we say, with all earnestness, let them continue in the darkness of heathenism.

Again, it is urged that the commerce of Eastern Asia is a prize for which, during many centuries, the commercial nations of the earth have struggled, and that the nation which carried off that prize has invariably grown wealthy and powerful. For this reason, it is argued, our true policy dictates that, in order to secure this rich prize, we should repeal all laws which restrict the privileges of the Chinese in this State, and thus, as a nation, gain their especial love. We fully appreciate the importance of monopolizing the rich trade of Eastern Asia; and to accomplish that would have our commercial intercourse with the people of that part of the globe as liberal and free as possible. We would remove every unnecessary restriction upon the trade between the two countries. We desire their *trade*—we desire to monopolize their *commerce*—but we do not want *them*. We are utterly opposed to any interchange of population.

It cannot fail to occur to the reflecting mind that there are several evils connected with this question, of a character so momentous as to far outweigh all considerations of dollars and cents. The presence of this people in our midst threatens the entailment upon us of an anomalous kind of slavery unknown to our system of government, and infinitely more obnoxious than the Peon system of Mexico. It likewise threatens to *degrade labor and depreciate its value*. Indeed, it has already had that effect. It is to preserve California as the favored and peculiar *home of the laboring man*, that we urge the exodus of the great body of the Chinese population of this State.

But this report has already swelled to a length much greater than we intended; therefore, to sum up in a few words, some of the reasons for advocating the continuance of such laws upon our statute books as will tend to encourage the Chinese to leave the State, we believe—

That their presence here is a great moral and social evil—a disgusting scab upon the fair face of society—a putrefying sore upon the body politic—in short, a *nuisance*, that, unless speedily abated, is likely to work tremendous and lasting injury to the State;

That they threaten the entailment upon us of a strange system of slavery, obnoxious to our institutions;

That they *degrade labor* and depreciate the value thereof, to the great detriment of the working men of this State;

That they are by law incapable of becoming citizens of the State;

That the existing Chinese laws were passed in obedience to the almost unanimous demand of the laboring men of the country;

That these laws operated, and are operating, precisely as their authors predicted;

And, in short, we are opposed to a repeal or modification of the existing laws relating to the Chinese, for the reason that the *People do not demand it*.

S. H. DOSH,  
JOHN D. SCLELLEN,  
J. W. MANDEVILLE.



Mr. Cosby presented the following report :

*Mr. President :*

The Committee on Military Affairs, to which was referred Assembly Bill No. 6, entitled An Act appointing an Agent to exhibit the Evidences of the Contracting of the War Debt of this State to the Secretary of War of the United States, beg leave to report the same back with a substitute, and recommend the passage of the substitute.

J. D. COSBY,  
Chairman.

Mr. Cosby accompanied his report with a Substitute Bill for Assembly Bill No. 6, entitled An Act appointing an Agent to Exhibit the Evidences of the Contracting of the War Debt of this State to the Secretary of War of the United States.

Ordered printed and placed upon the Calendar.

Mr. Heintzelman presented the following report :

*Mr. President :*

Assembly Bill No. 144, having been referred to Marin Delegation, they beg leave to report, that they have had the same under consideration, and report it back to the Senate, and recommend its immediate passage.

HEINTZELMAN,  
Chairman.

The bill entitled An Act concerning the Collection of Taxes now due in the County of Marin, was read a third time and passed.

Mr. Shaw reported back Senate Bill No. 68, to authorize persons to change their names.

After some discussion and various motions to print, the bill was placed on the Calendar.

The following report accompanied the bill :

*Mr. President :*

The Special Committee, to which was referred Senate Bill No. 68, for An Act to authorize Persons to Change their Names, respectfully report as follows :

This subject matter having been referred to the Judiciary Committee, with instructions to inquire into the propriety of recommending and introducing a similar bill, and that Committee having reported to the Senate that no legislation, either special or general, is necessary for changing persons' names, your Committee, therefore, deem it their duty to make a more lengthy report on the subject than they would otherwise have deemed either necessary or called for.

Your Committee regret that they are constrained to differ in opinion from the more able and learned Committee to which the matter was previously referred. But they are compelled to admit at the outset, that from the want of books

likely to treat upon the subject, or else because the matter has never before been questioned, they have been unable to find any case actually proving that legislation is necessary in this State, to enable persons to change their names. But your Committee liken it to many other things in human affairs, which there is no express or written law against, but which nevertheless are not tolerated unless expressly authorized by statute; such things, in short, as are against public policy, or the necessities of society, or the natural rights and security of individuals; and amongst the first class of these things, your Committee would place the necessity which exists that men shall not change their names. According to the earliest history of our race, the very first act of the very first man who ever lived, was the act of giving names, and even God Himself is said to have participated in the act, as if it were the first requisite for the guide of human intelligence. "The Lord God," says the Bible, "brought them unto Adam to see what he would call them, and whatever Adam called every living thing, that was the name thereof."

The fact is self-evident, that among human beings, a distinctive name must be given to each, because by that mode only, each person can be conveniently recognized and distinguished from every other individual in a community, without the necessity of an inspection.

The very object of giving persons names, however, would be defeated, whole communities would be put to inconvenience, and individuals to trouble, expense and distress, if any person, after having become known by a particular name, could be tolerated in the right to change it, in such manner and into such other name, as he might from time to time see fit to adopt. It is almost as much a necessity that persons be not allowed to change their names, as it is that names be given to them, and hence society never has, never can, and never will tolerate, the exercise of any such "free privilege." And however just, proper and advantageous it might sometimes become to a person to change his name, still, so fixed is this rule of society on the subject, that it would be impossible for him to accomplish his object, without the authority of a law expressly authorizing the act. In fact, without such law, society would never deal with him nor recognize him, except by his true and lawful name. The proper name of a person is not a thing which he gives to himself, nor is it a thing which he is, or ought to be allowed to change or dispose of to suit himself. It is not his property—it is the property of others,—and he at his own option has no right to change it. He alone is not concerned in it, but the rights of others are also involved. It is a thing given him in his infancy by competent authority, and fixed upon him as a part of his own identity, without consulting him on the subject. He is compelled to receive it, and become known by it, whether he consents to it or not. It is not a matter of fancy nor of immateriality; it is a thing in which the rights of families and communities, and individuals other than himself, are concerned. The naming of persons has been regarded as an important act in all ages of the world. We all remember that the Jews, the Greeks, and the Romans, deemed the giving of names to human beings as an important ceremony, and that they celebrated the naming of their children by feasts, or religious rites; and among our own people, and down to the present time, it is a common practice to perform religious rites when the names of children are publicly proclaimed. By immemorial and uniform custom, and therefore by law, the surname of the parent is fixed upon the child, and to that, since the Christian era, a Christian name has been added. By the common law of England, these two names only are recognized as necessary—any middle letter or name being deemed immaterial. By the names which children thus acquired, and by no other, they are known and recognized, and in that name they can contract debts for their necessities, and the parent is liable for them. When the child arrives at full age, the man is bound

by the same law, resting upon public convenience, and immemorial custom, to continue to be known by the name through which the public has learned to identify him. By the name which he thus receives in infancy, and wears in manhood, his identity is preserved, for the convenience and security of the public, and also of those who may be interested in his person or estate. By that name he may inherit or receive bequests, and acquire property. By that name men deal with him, contract with him, receive his signature upon commercial paper, or titles, or other obligations or contracts. By that name the public pursues him, or learns to avoid him, or grants him privileges. By that name he may become known to millions who never saw him. By that name, when he dies, his memory and identity still continue to be presented amongst a few of each generation, either through fame, or through its simple inscription on his tomb. Indeed, we think there clearly is a law against the right of men to change their names at pleasure. It is the law of society. It is one of those tacit and implied, but solemn and binding, obligations, existing between individuals and the communities they compose, which requires no enactment of a Legislature to regulate it, or render it obligatory, for it is a binding law unto itself. Without it, society would be in confusion; with it, the distinctive identity of individuals can only be preserved. It is a law made by immemorial and unvarying custom, so long in use, that the memory of man runneth not to the contrary.

Only a few illustrations will serve to prove the necessity and wisdom of this law, and the error of supposing that men can change their names if they choose, without any legislation being necessary to authorize and impose conditions upon the act. If men have a perfect right to change their names at pleasure, by merely giving public notice of their intention to do so, as some have hastily contended, there would be nothing sacred or secure in any one's name; and there might even be danger in getting a good name, lest it should be more readily stolen or taken by another. If such a right were admitted, then all the disreputable and infamous, or unprincipled persons, in a community, would have a right to change their names, and assume the names of men of property or reputation, and thus the bad could not only gain the advantage of losing the infamy which they had brought upon their own names, but also that of rightfully enjoying the identical names of those who, by labor and integrity, may have rendered their names a precious thing to their families, their friends, and themselves.

Again, were such the case, such characters would enjoy the right to acquire and lawfully bear, write and use, the identical names of men of wealth, and to sign such names to commercial papers, or other contracts, and to deal among strangers upon the advantage which the name alone would give them; and if they should write their names in precisely the same manner, they could endanger the credit of the man whose name they should assume, or at least put him to continual trouble and annoyance, and destroy his peace of mind. They could receive and open his letters, and answer them, or keep them as their own. They could personate others in various ways with facilities they do not now possess, and could more conveniently perpetrate frauds, forgeries and deceits.

Again—debtors would have a right to change their names upon short notice, and put their creditors to very great inconvenience to find them and prove their identity. Again—fathers having a right to change their names, could leave their families, and under their new names, render all trace of them fruitless.

Indeed, a whole volume could easily be filled with illustrations proving the necessity and justice, upon which the inexorable law of society rests concerning men's names. A single instance, however, which has actually occurred in this country, will well illustrate how much an individual's own family, to say nothing of society, could be injured by the mere changing of a man's name. A few years ago, a man became known in this country as a great merchant and an en-



terprising and useful citizen. He married a woman of fortune, and rose to be a leading man in the largest city in this State. For many years he enjoyed the entire confidence of the community in which he lived, without its being known that Talbot H. Green was Paul Gettes. In this instance, a poor mother and her children had been struggling against poverty for many years, and supposed their husband and father dead, whilst in fact, he was a wealthy and distinguished merchant in San Francisco, and had been for the whole period liable for their handsome support. Suppose Paul Gettes had died, whilst unknown to have been under an assumed name, the very tombstone at his grave would have continued his false character, and his lawful wife and legitimate children would have continued in poverty, whilst in fact they would have been the inheritors of thousands. The evidence whereby their perfect title could have been proved, would have been destroyed, and all this wretchedness of a family for years, and the periling of their rights, occurred from nothing else whatever than the mere exercise of what some have hastily taken to be a personal right.

The conclusion of your Committee is, that there is a law against persons changing their names which society will not allow to be violated. That no man is, nor can be permitted to change his name, unless authorized by statute so to do. And, also, that cases do sometimes occur wherein it is but just and proper that the law should authorize persons to change their names.

Your Committee, therefore, report the bill back and recommend its passage with the amendments herewith submitted.

W. J. SHAW,  
Chairman.

We concur—

NORMAN,  
WAITE,  
Senators.

Mr. Burton presented the following report :

*Mr. President :*

Your Committee on Enrollment has examined Senate Bill No. 103, An Act to authorize the Board of Supervisors of Placer County to levy a Special Tax, and find the same correctly enrolled.

E. F. BURTON.

The following message was received from His Excellency the Governor :

EXECUTIVE DEPARTMENT, }  
Sacramento, March 8th, 1856. }

*To the Hon. the Senate of California :*

I have this day approved An Act originating in the Senate, entitled An Act to fix the Times for holding the District Courts of the Fourth Judicial District of this State.

Very respectfully,  
Your obedient servant,

J. NEELY JOHNSON.

The following message was received from the Assembly :



*Mr. President :*

I am directed to inform the Senate that the Assembly have this day passed Concurrent Resolutions in regard to the passage of a law establishing a Mail Route from San Francisco to Humboldt Bay, etc. The resolution is herewith submitted and the concurrence of the Senate respectfully requested ; and,

Assembly Bill No. 155, An Act to authorize the Board of Supervisors of the County of San Joaquin to issue Bonds to provide for the Payment of the Funded Indebtedness of the County and to create a Fund for the Payment of the Principal and Interest of the same.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Bill No. 155, An Act to authorize the Board of Supervisors of the County of San Joaquin to issue Bonds to provide for the Payment of the Funded Indebtedness of the County and to create a Fund for the Payment of the Principal and Interest of the same, was taken up, read first and second times and referred to the Senator from San Joaquin.

The following Concurrent Resolutions from the Assembly was read :

*Resolved*, By the Senate and Assembly, that our Senators in Congress be instructed, and our Representatives requested, to urge upon Congress the passage of a law establishing a Mail Route in the State of California from San Francisco to Humboldt Bay.

*Resolved*, That the the Governor of this State be, and is hereby requested, to transmit copies of this resolution to each of our Senators and Representatives in Congress.

On motion of Mr. Cosby, the Senate concurred in the resolutions.

Mr. Hawks gave notice that on to-morrow he would introduce an addition to the Standing Rules of the Senate.

On motion of Mr. Heintzelman, the Senate reconsidered the vote by which the Assembly Concurrent Resolutions were adopted relating to the establishment of a Mail Route from San Francisco to Humboldt Bay.

On motion of Mr. Heintzelman, the resolutions were referred to the Senators from Humboldt and Marin.

On motion of Mr. Tilford, Senate Bill No. 68, to authorize Persons to change their names, was taken up.

On motion of Mr. Tilford, the amendments proposed by the Select Committee were adopted, and the bill as amended, ordered printed.

Mr. Lippincott presented the following report :

*State of California to W. T. Fergurson, Dr.*

To services as Sergeant-at-Arms to the State Prison Committee of the Senate, 26 days.....	\$195 00
Mileage from Sacramento to State Prison.....	62 00
Serving 15 Subpenas at 50 cts. each.....	7 50
Cash expended for Telegraph Dispatch.....	1 50
	<hr/>
	\$266 00

I certify that the services charged for, as above, were performed.

JOHN B. McGEE,  
Chairman.

I certify that the above account is correct ; the Controller will draw his warrant payable out of the Contingent Fund of the Senate for the amount.

W. H. McCOUN.

Referred to the Committee on Contingent Expenses.

### UNFINISHED BUSINESS.

On motion, Senate Bill No. 78, for An Act to amend an Act entitled "An Act to regulate Proceedings in Criminal Cases," passed May 1st, 1851, was taken up.

Mr. Coffroth demanded the previous question on striking out the enacting clause of the bill.

The question being : " Shall the main question be now put ? "

The ayes and noes were demanded by Messrs. Coffroth, Norman and French, with the following result :

#### AYES.

Messrs. Bynum, Coffroth, Cosby, Crandall, Dosh, Ferguson, Gove, Hawks, Hawthorne, Hook, Lippincott, McCallum, McCoun, Rust, Scellen and Shaw—16.

#### NOES.

Messrs. Burnett, Burton, Fiske, French, Heintzelman, Mandeville, McNeill, Norman, Waite and Westmoreland—10.

So the motion prevailed.

The question recurring on the main question to strike out the enacting clause of the bill, the ayes and noes were demanded by Messrs. French, Burton and Scellen, with the following result :

AYES.

Messrs. Burton, Coffroth, De la Guerra, Fiske, French, Gove, Heintzelman, Hook, Mandeville, McNeill, Norman, Scellen, Shaw, Waite and Westmoreland—15.

NOES.

Messrs. Burnett, Bynum, Cosby, Dosh, Ferguson, Hawks, Hawthorne, Lippincott, McCallum, McCoun, Rust and Wilson—12.

So the enacting clause of the bill was stricken out.

Mr. Coffroth gave notice that on to-morrow he would move a reconsideration of the vote just taken.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills to which was referred the Substitute for Assembly Bill An Act making Appropriations for the Civil Expenses of the Government of this State, report that they have examined the same and after striking out all that portion of the bill relating to the transportation of prisoners to the State Prison, and compensation for the same, that the same is correctly engrossed.

McCALLUM,  
Chairman.

On motion of Mr. Coffroth, Senate Bill No. 4, for An Act recommending to the Electors to vote for or against a Convention to revise and change the Constitution of this State, being a special order, was taken up and ordered engrossed for a third reading on Wednesday next at 12 o'clock, M.

The Executive Message, nominating Alex. G. Abell as Commissioner of Immigrants for the Port of San Francisco, was taken up.

Mr. Heintzelman moved that the message and accompanying documents be referred to a Special Committee of three.

Upon which the ayes and noes were demanded by Messrs. Coffroth, Heintzelman and Rust, with the following result :

AYES.

Messrs. Burnett, Coffroth, De la Guerra, Dosh, French, Gove, Heintzelman, Lippincott, Mandeville, McNeill, Rust, Shaw and Tilford—13.

NOES.

Messrs. Burton, Bynum, Cosby, Crandall, Ferguson, Fiske, Hawks, Hawthorne, McCallum, Norman, Scellen, Waite, Westmoreland and Wilson—14.

So the motion was lost.

Mr. Rust moved that the subject be referred to a Select Committee of five.

Upon which the ayes and noes were demanded by Messrs. Coffroth, Rust and French, with the following result :

AYES.

Messrs. Burnett, Coffroth, De la Guerra, Dosh, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McCallum, McNeill, Rust, Shaw and Tilford—15.

NOES.

Messrs. Burton, Bynum, Cosby, Crandall, Ferguson, Fiske, Hawks, Hawthorne, McCoun, Norman, Scellen, Waite, Westmoreland and Wilson—14.

So the motion prevailed.

The Chair appointed the following Senators said committee :

Messrs. Rust, Coffroth, Lippincott, Burnett and McNeill.

Bills on the Calendar—

The following report and accompanying resolution, were taken from the Calendar and read :

*Mr. President :*

The State Prison Committee to which was referred Assembly Resolution providing for the appointment of a Joint Committee for purposes therein named, report the same back for the consideration of the same.

JNO. B. McGEE,  
Chairman.

The following is the resolution referred to :

*Resolved*, The Senate concurring, that a committee of two from the Assembly and ——— from the Senate be and are hereby appointed to examine and report upon a suitable location for the State Prison or Penitentiary, having regard,

First. To suitable raw material to be worked by the convicts.

Second. The advantages of carriage to and from said location by railroad or water, or both.

Third. A market for the proceeds of the labor of the convicts.

Fourth. All the advantages for and against said location ; and that they be required to report at the earliest possible day.

On motion of Mr. Burton, the resolution was indefinitely postponed.

Senate Bill No. 50, for An Act to repeal an Act entitled "An Act concerning the Fees of Public Administrators," passed April 28th, 1851, and for other purposes, was taken up.



Mr. Ferguson moved to strike out the exception, offered as an amendment to the bill.

Upon which the ayes and noes were demanded by Messrs. Hawks, Ferguson and McCoun, with the following result :

## AYES.

Messrs. Burnett, Cosby, Ferguson, Hawks, Hawthorne, McCallum, McCoun, McNeill, Norman, Scellen and Westmoreland—11.

## NOES.

Messrs. Burton, Coffroth, Crandall, Dosh, French, Gove, Heintzelman, Hook, Mandeville, Rust, Shaw, Tilford, Waite and Wilson—14.

So the motion was lost.

Mr. Tilford offered the following amendment to come in at the end of the second section of the bill except so far as relates to the fees of the Public Administrator of the County of San Francisco.

Agreed to.

Mr. Heintzelman moved to insert after the words "San Francisco," in the second section of the bill, the words, "Marin, Sonoma and Mendocino."

Agreed to.

On motion of Mr. Norman, Calaveras was added to the list of counties excepted.

Mr. Coffroth moved to strike out the enacting clause of the bill.

Upon which the ayes and noes were demanded by Messrs. Waite, McCoun and Burton, with the following result :

## AYES.

Messrs. Burnett, Burton, Coffroth, Cosby, De la Guerra, Dosh, French, Hawks, Heintzelman, Hook, Lippincott, Mandeville, McCallum, McCoun, McNeill, Norman, Scellen, Shaw, Tilford, Westmoreland and Wilson—21.

## NOES.

Messrs. Crandall, Ferguson, Fiske, Gove, Hawthorne, Rust and Waite—7.

So the motion prevailed and the enacting clause of the bill was stricken out.

Senate Bill No. 87, entitled An Act supplementary to an Act entitled An Act to regulate the settlement of Estates of Deceased Persons, was taken up and ordered engrossed for a third reading to-morrow.

Substitute for Senate Bills Nos. 10 and 93, entitled An Act to authorize the working of the Convicts in the different Counties of this State, was taken up and ordered to be placed at the foot of the Calendar.

Mr. De la Guerra moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Hawks, Ferguson and De la Guerra, with the following result :

AYES.

Messrs. Burton, Coffroth, De la Guerra, Fiske, French, Gove, Hawthorne, Heintzelman, Hook, Lippincott, Mandeville, Rust, Waite and Wilson—14.

NOES.

Messrs. Burnett, Bynum, Cosby, Crandall, Dosh, Ferguson, Hawks, McCallum, McCoun, McNeill, Norman, Shaw, Tilford and Westmoreland—14.

So the Senate refused to adjourn.

Senate Bill No. 73, An Act to provide for the Election or Appointment of a Reporter of the Decisions of the Supreme Court, and for the Publication of the same, was taken up, considered and amended in Committee of the Whole.

After some time so spent, the committee rose and reported the bill back to the Senate.

Mr. McCallum moved to lay the Bill on the table.

Lost.

Mr. Heintzelman moved to make the bill the special order for Friday, at 12 o'clock, M.

Mr. Rust moved to amend by inserting to-morrow at 12 o'clock.

Agreed to.

Mr. McCallum moved to reconsider the vote by which the Executive Message and accompanying documents was referred to a Special Committee of five.

Mr. De la Guerra moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Ferguson, Norman and McCoun, with the following result :

AYES.

Messrs. Coffroth, De la Guerra, French, Gove, Heintzelman, Lippincott and Mandeville—7.

NOES.

Messrs. Burnett, Burton, Bynum, Cosby, Crandall, Dosh, Ferguson, Fiske, Hawks, Hawthorne, McCallum, McCoun, McNeil, Norman, Shaw, Tilford, Waite, Westmoreland and Wilson—19.

So the motion was lost.

Mr. Heintzelman moved to indefinitely postpone the motion to reconsider.

On motion of Mr. Burnett, his Excellency, the Governor, was invited within the bar of the Senate.

Mr. Burton raised the point of order that the motion to indefinitely postpone a motion to reconsider, is not in order.

The Chair (Mr. Mandeville) decided the point of order not well taken.

Mr. Burton appealed from the decision of the Chair.

And the question being, "Shall the decision of the Chair stand as the judgment of the Senate," the ayes and noes were demanded by Messrs. McCoun, French and Cosby, with the following result :

AYES.

Messrs. Burnett, Bynum, Coffroth, Crandall, Dosh, Fiske, French, Gove, Heintzelman, Hook, Lippincott, McCallum, McNeill, Shaw and Tilford—15.

NOES.

Messrs. Cosby, Ferguson, Hawks, Hawthorne, McCoun, Norman, Scellen, Waite, Westmoreland and Wilson—10.

So the decision of the Chair was sustained.

Mr. De la Guerra moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Hawks, McCoun and Westmoreland, with the following result :

AYES.

Messrs. Burton, Coffroth, De la Guerra, Dosh, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Scellen, Shaw, Tilford and Westmoreland—15.

NOES.

Messrs. Burnett, Bynum, Cosby, Crandall, Ferguson, Fiske, Hawks, Hawthorne, McCallum, McCoun, Norman, Waite and Wilson—13.

So the Senate stood adjourned.

## IN SENATE.

TUESDAY, March 11th, 1856.

Senate met pursuant to adjournment.

Lieutenant-Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of yesterday was read.

Mr. Coffroth moved to amend it by striking out so much as related to the arrest, by the Sergeant-at-Arms, of certain parties on account of a personal difficulty between them, within the Senate Chamber, which was not agreed to.

The Journal was approved as read.

Mr. Burton moved that the parties arrested be discharged.

The ayes and noes were demanded by Messrs. Shaw, Heintzelman and Tilford, with the following result :

## AYES.

Messrs. Burton, Bynum, Coffroth, De la Guerra, Dosh, Ferguson, French, Gove, Hawks, Hawthorne, Hook, Lippincott, McCoun, McNeill, Rust, Scellen and Westmoreland—17.

## NOES.

Messrs. Burnett, Cosby, Crandall, Fiske, Flint, Heintzelman, Mandeville, McCallum, Norman, Shaw, Tilford, Waite and Wilson—13.

So the motion prevailed and the parties were discharged.

Mr. Fiske presented a petition from citizens of the State at large, praying for the repeal of two Acts passed at the last session of the Legislature.

1st. "An Act for the Protection of Foreigners and defining their Liabilities and Privileges."

2d. "An Act to discourage the Immigration to this State of Persons who cannot become Citizens."

Referred to the Committee on Mines and Mining Interests.

Mr. Mandeville presented the account of Mr. Doherty, for repairs done to Senate Chamber, etc., which was referred to the Committee on Contingent Expenses.



Mr. McCoun called the attention of the Senate to the fact, that the Deficiency Bill had been reported into the Assembly, when there was some doubt of its having finally passed the Senate.

The Journals of the 4th and 5th of March were examined, from which it appeared that the bill had been read a third time and passed.

On motion of Mr. Burton, the Journals of the dates above named were declared to be in error, and the Secretary instructed to bring the bill back from the Assembly, which was accordingly done.

The following verbal message was received from the Assembly:

*Mr. President :*

In accordance with the request of the Senate, I hereby return Senate Deficiency Bill No. 58.

The bill was considered in Committee of the Whole.

Several amendments offered and rejected.

After some time so spent, the bill was referred back to the Senate, read a third time and passed.

Mr. Burton presented the following report :

*Mr. President :*

Your Committee on Enrollment presented to the Governor for his signature on yesterday An Act to authorize the Board of Supervisors of Placer County to levy a special tax.

E. F. BURTON.

Mr. Burton presented the following report :

*Mr. President :*

Your Committee on Enrollment have examined and find correctly enrolled An Act to amend an Act fixing the time of holding the several courts authorized to be held by the County Judges in the Counties of Shasta, Santa Clara and Monterey; also,

An Act to authorize the State Treasurer to issue a duplicate Land Warrant to George W. Coffee; also,

An Act to amend An Act to fix the time of holding the District Court in the Third Judicial District; and,

An Act amendatory of "An Act concerning Coporations," passed April 22d, 1850.

E. F. BURTON.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills have examined Senate Bill No. 87, An Act amendatory of, and supplementary to, An Act entitled an Act to regulate the settlement of the estates of deceased persons, and find the same correctly engrossed.

McCALLUM, Chairman.

Mr. Coffroth moved to reconsider the vote by which the enacting clause of Senate Bill No. 78 was stricken out, being An Act entitled "An Act to amend an Act to regulate Proceedings in Criminal Cases," passed May 1st, 1851.

Mr. Norman moved to indefinitely postpone that motion.

The ayes and noes were demanded by Messrs. Coffroth, Norman and Rust, with the following result :

AYES.

Messrs. Burton, Crandall, Dosh, Fiske, French, Gove, Heintzelman, Hook, Mandeville, McNeill, Norman, Seellen, Shaw, Tilford, Waite and Westmoreland—16.

NOES.

Messrs. Burnett, Bynum, Coffroth, Cosby, Ferguson, Flint, Hawks, Hawthorne, Lippincott, McCallum, McCoun, Rust and Wilson—13.

So the motion prevailed.

The motion to reconsider was indefinitely postponed.

The hour for special order having arrived, being Senate Bills Nos. 105 and 73.

On motion, the same was laid upon the table.

Mr. McCoun moved that the Deficiency Bill be recommitted to the Finance Committee, with instructions to include so much of the account of Wells, Fargo and Co. as might be found just, and report the bill back to-morrow.

The ayes and noes were demanded by Messrs. French, Hook and Heintzelman, with the following result :

AYES.

Messrs. Coffroth, De la Guerra, Dosh, Ferguson, Gove, Hawks, McCoun and Wilson—8.

NOES.

Messrs. Burnett, Burton, Bynum, Crandall, Fiske, Flint, French, Heintzelman, Hook, Lippincott, Mandeville, McCallum, McNeill, Norman, Rust, Seellen, Shaw, Tilford, Waite and Westmoreland—20.

So the motion was lost.

Mr. Coffroth offered the following resolution :

*Resolved*, By the Senate, the Assembly concurring, that leave be granted to the Hon. John S. Hager, District Judge of the Fourth Judicial District, to absent himself from this State for the period of four months ; *provided*, he shall

March 11.]

475

make arrangement with other District Judges of this State, to hold the terms of said court during his absence.

On the question of adopting the resolution, the ayes and noes were demanded by Messrs. Burton, McCoun and Fiske, with the following result :

AYES.

Messrs. Bynum, Coffroth, De la Guerra, Ferguson, Flint, French, Gove, Hawks, Hook, Lippincott, Mandeville, Rust, Tilford, Westmoreland and Wilson—15.

NOES.

Messrs. Burnett, Burton, Cosby, Crandall, Dosh, Fiske, McNeill, Norman and Waite—9.

So the resolution was adopted.

The following message was received from the Assembly :

*Mr. President :*

I am directed to inform the Senate that the Assembly on yesterday passed Assembly Bill No. 165, An Act to authorize the Board of Supervisors of San Joaquin County to appropriate money toward completing the Artesian well in the public square in the City of Stockton.

Respectfully submitted,

ALEX. M. HAYDEN,  
Assistant Clerk of Assembly.

The bill was read a first and second times and referred to Senator McCoun.

The first special order of the day was taken up, being Senate Bill No. 105, An Act concerning official advertisements, and to provide for their payment.

Considered in Committee of the Whole.

After some time so spent, Mr. Burton moved that the Committee rise.

Lost.

Subsequently, on motion, the bill was reported back to the Senate, and the amendments made in Committee of the Whole concurred, except that relating to allowing the claim of the San Francisco Eco del Pacifico.

Mr. Coffroth moved that the Senate now concur in the amendment proposing to allow the Eco del Pacifico \$2,000.

The ayes and noes were demanded by Messrs. Coffroth, Rust and Burnett, with the following result :

AYES.

Messrs. Burnett, Burton, Bynum, Coffroth, Cosby, De la Guerra, Ferguson, Fiske, Flint, French, Gove, Hawks, Hawthorne, Hook, Lippincott, McCallum, McCoun, McNeill, Norman, Shaw, Tilford, Waite, Westmoreland and Wilson—24.

NOES.

Messrs. Crandall, Dosh, Mandeville, Rust and Scellen—5.

So the Senate non-concurred.

Mr. Burton presented the following report :

*Mr. President :*

Your Committee on Enrollment presented the Governor this day the following bills :

An Act to amend "An Act to fix the Time of holding the District Court in the Third Judicial District," approved March 14th, 1855 ; also,

An Act to authorize the State Treasurer to issue a duplicate Land Warrant to George W. Coffee ; also,

An Act amendatory of "An Act concerning Corporations," passed April 22d, 1850 ; and,

An Act to amend "An Act fixing the Time of holding the Courts authorized to be held by the County Judges, in the Counties of Shasta, Santa Clara and Monterey," approved March 9th, 1856.

E. F. BURTON,  
Chairman.

The consideration of Senate Bill No. 105, was resumed.

Mr. Coffroth offered the following additional section to the bill, which was adopted :

Section 4. The Controller shall not pay the appropriations made in this Act for publishing notices of sales by the State Land Commissioners, without the parties first make oath that they have performed the service ; that the rates charged for advertising are not more than those established as advertising charges in their respective papers, and that they have not increased the account from what it was originally written out.

Mr. Shaw offered the following amendment :

To insert as an appropriation to the San Francisco Eco del Pacifico, \$750.

The ayes and noes were demanded by Messrs. Coffroth, French and McCoun, with the following result :

AYES.

Messrs. Crandall, Dosh, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, Rust, Scellen, Shaw and Tilford—12.



NOES.

Messrs. Burnett, Burton, Bynum, Coffroth, Cosby, De la Guerra, Ferguson, Fiske, Flint, Hawks, McCallum, McCoun, McNeill, Norman, Waite, Westmoreland and Wilson—17.

So the Senate refused to insert the appropriation.

Mr. McCoun moved to strike out the appropriation allowed the San Francisco Sun.

Mr. French moved to strike out all papers except the Times and Transcript, State Journal and San Joaquin Republican.

Lost.

The question recurring on the motion of Mr. McCoun to strike out the San Francisco Sun:

The ayes and noes were demanded by Messrs. Coffroth, McCoun and French, with the following result :

AYES.

Messrs. Burton, Coffroth, Hook, McCallum, McCoun, McNeill, Scellen and Waite—8.

NOES.

Messrs. Burnett, Bynum, Cosby, Crandall, Dosh, Ferguson, Fiske, Flint, French, Gove, Hawks, Hawthorne, Heintzelman, Lippincott, Mandeville, Rust, Shaw, Tilford and Wilson—19.

So the motion was lost.

Mr. McCoun moved to allow the account of the San Francisco Citizen.

The ayes and noes were demanded by Messrs. McCoun, Coffroth and McCallum, with the following result :

AYES.

Messrs. Coffroth, McCoun, Scellen and Wilson—4.

NOES.

Messrs. Burnett, Burton, Bynum, Cosby, Crandall, Dosh, Ferguson, Fiske, Flint, French, Gove, Hawks, Hawthorne, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, Tilford, Waite and Westmoreland—24.

So the motion was lost.

Mr. Scellen moved to strike out the appropriation to the Marysville Express.

The ayes and noes were demanded by Messrs. Burnett, Lippincott and Scellen with the following result :

## AYES.

Messrs. Burton, Coffroth, McCoun, McNeill, Norman, Scellen and Waite—7.

## NOES.

Messrs. Burnett, Bynum, Cosby, Crandall, Dosh, Ferguson, Fiske, Flint, French, Gove, Hawks, Hawthorne, Heintzelman, Hook, Lippincott, Mandeville, Rust, Shaw, Tilford, Westmoreland and Wilson—21.

So the motion was lost.

On motion of Mr. Dosh, the vote was reconsidered, by which the third section of the bill was adopted.

Mr. Mandeville moved to lay the bill on the table.

Lost.

Mr. McCallum moved to amend the third section by inserting after the word "advertising," in the third line of section three the words "except in cases of advertising the proposed amendments to the Constitution," which was agreed to, and the section as amended was adopted.

On motion of Mr. Mandeville, the bill was ordered to be engrossed for a third reading to-morrow.

Mr. Coffroth moved to adjourn.

The ayes and noes were demanded by Messrs. Tilford, Fiske and Hook, with the following result :

## AYES.

Messrs. Burnett, Burton, Bynum, Cosby, Dosh, Ferguson, Flint, Gove, Hawks, Hawthorne, Heintzelman, Lippincott, Mandeville, Rust, Waite and Westmoreland—16.

## NOES.

Messrs. Coffroth, Crandall, Fiske, French, Hook, McCallum, McCoun, McNeill, Norman, Scellen, Shaw, Tilford and Wilson—13.

So the Senate stood adjourned.

## IN SENATE.

WEDNESDAY, March 12th, 1856.

Senate met pursuant to adjournment.

Lieutenant-Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of yesterday read and approved.

Mr. Tilford presented a petition from the officers of the uniformed Militia, praying for an appropriation.

Referred to Committee on Military Affairs.

Mr. Gove presented a petition from citizens of Yolo County, requesting the Legislature to pass a Settlers' Bill, in conformity with principles contained in the resolutions of the State Settlers' Convention.

Placed on file.

Mr. Hook gave notice that on to-morrow, or at an early day, he would introduce a bill for An Act supplementary to an Act entitled "An Act to provide for the Survey and Construction of a Wagon Road over the Sierra Nevada Mountains," approved April 28th, 1855.

Mr. McCoun offered the following report :

*Mr. President :*

The Committee to which was referred Assembly Bill No. 91, entitled An Act relative to the Court of Sessions and Board of Supervisors of San Joaquin County, begs leave to report the same back to the Senate, and recommend its passage, with the following amendments, to wit :

In section first, second line, strike out the word "two," and insert the word "three."

In fourth line, strike out all after the word "Mondays," and insert "of February, second Monday of May, and first Monday in October."

The amendments proposed by Mr. McCoun were adopted, and the bill read a third time and passed.

Mr. Burton gave notice that on to-morrow he would move to amend the 27th Rule of the Senate.

Mr. McCallum offered the following report :

*Mr. President :*

The Committee on Engrossed Bills have examined Senate Bill No. 4, a bill for An Act recommending to the Electors to vote for, or against, a Convention to Revise and Change the Constitution of this State, and find the same correctly engrossed.

J. G. McCALLUM,  
Chairman.

Mr. Tilford offered the following report :

*Mr. President :*

Your Committee on Enrollment have examined and find correctly enrolled, An Act entitled an Act making Appropriations for the Civil Expenses of the Government of the State.

Mr. Fiske offered the following report :

*Mr. President :*

The Committee on Counties and County Boundaries, to which was referred Senate Bill No. 97, An Act to create the County of Fresno, to define its Boundaries, and to provide for its Organization, beg leave to report the same back for the consideration of the Senate.

HENRY M. FISKE.

The bill was placed on the Calendar.

Mr. Norman offered the following resolution :

*Resolved*, That the Committee to which was referred the Special Message of the Governor in relation to the removal of Edward McGowan from office, is hereby instructed to report to this Senate on Tuesday next.

On motion of Mr. Tilford, "Tuesday" was stricken out, and "Saturday" inserted.

On motion of Mr. McCallum, the words "on or before," were inserted before the word Saturday.

On the question of adopting the resolution, the ayes and noes were demanded by Messrs. Norman, Cosby and McCallum, with the following result :

AYES.

Messrs. Burton, Bynum, Cosby, Crandall, Day, Dosh, Ferguson, Fiske, Flint, Gove, Hawks, Hawthorne, Heintzelman, Hook, McCallum, McCoun, Norman, Scellen, Tilford and Westmoreland—20.

NOES.

Messrs. Burnett, Coffroth, French, Lippincott, Mandeville, Rust, Shaw, Waite and Wilson—9.



So the resolution was adopted.

Mr. McCoun, from the Finance Committee, reported back Senate Bill No. 44, An Act in relation to the Contingent Expenses of the Legislature, with a recommendation to indefinitely postpone the same.

On motion, the bill was accordingly indefinitely postponed.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Finance, to whom was referred Senate Bill No. 39, An Act to provide for taking the second Census of the State of California, have given the subject a proper consideration, and respectfully recommend its indefinite postponement. Your Committee have been led to this conclusion from the fact that the Constitution provides that the Census shall be taken in 1855 and 1860 ; and as it would be attendant with a heavy draft upon the treasury, they deem the measure impracticable, at the present time. The bill under consideration is, perhaps, the best that could be advised, both in principle and detail ; but on the score of economy, they are forced to recommend its indefinite postponement.

On motion, the bill was indefinitely postponed.

The two separate special orders—

Senate Bill No. 11, An Act to provide for the Protection of Foreigners and define their Liabilities and Privileges, passed March 30th, 1853 ; and Senate Bill No. 4, recommending to the Electors to vote for, or against, a Convention to Revise and Change the Constitution of this State,—were, on motion, laid upon the table.

Senate Bill No. 73, An Act to provide for the Election or Appointment of a Reporter of the Decisions of the Supreme Court, and for Publication of the same, came up and was considered as unfinished business in Committee of the Whole.

After some time so spent, the bill was reported back, with sundry amendments, to the Senate, and—

On motion, the amendments made in Committee of the Whole were concurred in.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly on this day passed Assembly Bill No. 199, for An Act supplemental to, and amendatory of, an Act entitled "An Act to amend an Act entitled 'An Act to fix the Times of holding the District Courts throughout this State,' passed May 18th, 1853," passed January 31st, 1856 ; also,

Concurred in Senate Resolution granting leave of absence to Judge John S. Hager.

Respectfully submitted,

A. M. HAYDEN,  
Assistant Clerk Assembly.

Assembly Bill No. 199 was considered in Committee of the Whole, amended, reported back to the Senate, the amendments concurred in, the bill read a third time, and passed.

The following message was received from the Assembly :

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed Assembly Bill No. 156, An Act creating a Board of State Prison Commissioners and defining their Duties."

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

The bill was read a first and second times, and referred to the Committee on the State Prison.

The consideration of Senate Bill No. 73, concerning the office of Reporter, was resumed.

Mr. McCallum moved to strike out the words "4,000," in Section 12.

Upon which the ayes and noes were demanded by Messrs. McCallum, Hook and Waite, with the following result :

AYES.

Messrs. Burton, Crandall, Day, Dosh, Fisk, French, Hook, McCallum, McNeill, Norman, Shaw and Waite—12.

NOES.

Messrs. Burnett, Bynum, Cosby, Ferguson, Flint, Gove, Hawks, Hawthorne, Lippincott, McCoun, McGee, Rust, Seellen, Tilford, Westmoreland and Wilson—16.

So the motion was lost.

On motion, the bill was then ordered engrossed for a third reading to-morrow.

On motion of Mr. Flint, the following resolution was taken up.

*Resolved*, That the Controller of State is hereby authorized to draw his warrant on the Treasurer, in favor of George T. Bohen, for \$196 ; O. H. Rand,

\$196 ; Geo. D. Naglee, for \$196 ; M. F. Butler, for \$196 ; and J. C. Goods, for \$196 ;—for services in measuring the State Prison Wall, and the same shall be paid out of the Contingent Fund of the Senate.

On the question of adopting the resolution, the ayes and noes were demanded by Messrs. Norman, Mandeville and Hook, with the following result :

## AYES.

Messrs. Bynum, Coffroth, De la Guerra, Ferguson, Fiske, Flint, Gove, Hawks, Hawthorne, Heintzelman, McCoun, McGee, Scellen, Shaw, Tilford and Westmoreland—16.

## NOES.

Messrs. Burnett, Burton, Cosby, Day, Dosh, Hook, Mandeville, McNeill, Norman, Waite and Wilson—11.

So the resolution was adopted.

Mr. Cosby presented the following report :

*Mr. President :*

The Committee on Military Affairs, to which was referred Senate Bill No 109, entitled An Act amendatory of, and supplementary to, "An Act concerning the Organization of the Militia," passed April 25th, 1855, respectfully return the same to the Senate, and recommend its passage with the accompanying amendments.

J. D. COSBY,  
Chairman.

The bill was placed on the Calendar.

Mr. Mandeville presented the following report :

*Mr. President :*

The Committee on Claims, to which was referred the petition and bill of T. F. W. Price, for services rendered, money expended, and supplies furnished to the Volunteers in an expedition under his command against the hostile Indians in the northern portion of Yolo and Napa Counties during the year one thousand eight hundred and fifty-one, beg leave to report :—

The Committee on Claims have examined the evidence in the case, and find that during the summer of 1851, application was made to Gov. McDougal to order out troops to suppress Indian hostilities in the northern portions of Yolo and Napa Counties. The Governor not having any means at his command, and informed those applying that they had his authority to call out not to exceed twenty-five men, if they would look to the Legislature for their pay.

Under these circumstances, a company of twenty-one men, under the command of Col. Thomas F. W. Price, was organized, and proceeded to the scene of action, and done the "*State some service.*"

It appears that they were engaged about five months in the expedition. Dur-

ing this time, the men were furnished their arms, ammunition and provisions, by Col. Price, for which he has received no pay.

Believing, as your Committee do, that all just expenses incurred in the suppression of Indian hostilities should have been paid by the General Government, and believing that the claim of Col. Price has the same merit as those of other expeditions that have already been paid by the General Government, your Committee, therefore, report the bill to the favorable consideration of the Senate.

J. W. MANDEVILLE.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills has examined Senate Bill No. 105, An Act concerning Official Advertisements and to provide for their Payment, and find the same correctly engrossed.

McCALLUM,  
Chairman.

Mr. Coffroth moved to amend the bill by inserting the account of the San Francisco Citizen.

Mr. Scellen moved to amend by inserting the account of the San Francisco Echo du Pacifique.

Mr. Fiske moved to insert after the words "San Francisco Sun," as follows : "The Empire County Argus, \$2,000 ; Mountain Democrat, of Placerville, \$2,000."

Mr. Burton demanded the previous question, which was sustained.

And the question being, "Shall the main question be now put ?" It was carried.

The main question being on the amendment offered by Mr. Fiske, it was lost.

The question recurring on the motion of Mr. Coffroth, as amended by Mr. Scellen, the ayes and noes were demanded by Messrs. Coffroth, McCoun and Scellen, with the following result :

AYES.

Messrs. Bynum, Coffroth, Day, Flint, Mandeville, McCallum, McCoun, McGee, Rust and Scellen—10.

NOES.

Messrs. Burnett, Burton, Cosby, Crandall, Dosh, Ferguson, Fiske, French, Gove, Hawks, Hawthorne, Heintzelman, Lippincott, McNeill, Norman, Shaw, Tilford, Waite, Westmoreland and Wilson—20.

So the amendment was lost.



Mr. Coffroth moved to recommit the bill to a Special Committee, with instructions to strike out the accounts of the San Francisco Sun and Marysville Express.

Mr. Burton raised the point of order, that the previous question having been sustained, the motion of Mr. Coffroth was out of order.

The Chair (Mr. French), decided the point of order well taken.

The question recurring on the passage of the bill, the ayes and noes were demanded by Messrs. Coffroth, McCallum and McCoun, with the following result:

AYES.

Messrs. Burnett, Bynum, Cosby, Crandall, Day, Dosh, Fiske, French, Gove, Hawks, Hawthorne, Heintzelman, Lippincott, Mandeville, McCallum, Rust, Shaw and Tilford—18.

NOES.

Messrs. Burton, Coffroth, Ferguson, Flint, McCoun, Norman, Scellen, Waite-Westmoreland and Wilson—10.

So the bill was passed.

Mr. Tilford moved to reconsider the vote just taken.

Carried.

Mr. Coffroth moved to recommit the bill to a Special Committee of three, with instructions to take into consideration the claim of the San Francisco Citizen, for \$2,265 75, and of the Echo du Pacifique, for \$2,000, and insert the same if found correct.

The ayes and noes were demanded by Messrs. Lippincott, Hawks and Ferguson, with the following result :

AYES.

Messrs. Burnett, Bynum, Coffroth, Crandall, Day, De la Guerra, Dosh, Ferguson, Flint, Gove, Hawks, Hawthorne, Lippincott, Mandeville, McCallum, McCoun, McGee, Scellen, Tilford and Westmoreland—20.

NOES.

Messrs. Burton, Cosby, Fiske, French, Heintzelman, McNeill, Norman, Shaw, Waite and Wilson—10.

So the motion prevailed and the bill was recommitted.

The Chair appointed the following Senators said Committee : Messrs. Coffroth, Lippincott and Scellen.

Mr. Tilford presented the following report :

*Mr. President :*

The Committee on Enrollment, this day presented to His Excellency the Governor for his signature, An Act making Appropriations for the Civil Expenses of the Government of the State.

F. TILFORD.

Mr. McCoun, from a Select Committee, made a verbal report, recommending the passage of Assembly Bill No. 165, An Act to authorize the Board of Supervisors of San Joaquin County to appropriate money toward completing the Artesian well in the public square in the City of Stockton, which was read a third time and passed.

Mr. Lippincott presented the following majority report :

*Mr. President :*

The majority of the delegation from Yuba County, to whom was referred Senate Bill No. 82, entitled An Act amendatory of, and supplementary to the "Act to Incorporate the City of Marysville," passed March 5th, 1855, beg leave to report the same back, and recommend that no alteration be made in the present City Charter except to reduce the salary of the Recorder of said city from \$4,000 per annum to \$2,500 per annum.

The majority of your Committee do not recognize the right of a portion of a Common Council of a city to alter the fundamental law of the city without any reference to the wishes or interests of the tax payers, or any consultation of the opinions of the people whose interests they were elected to protect.

CHAS. LIPPINCOTT,  
P. C. RUST.

Mr. Burnett presented the following minority report :

*Mr. President :*

A minority of the delegation from Yuba County, to whom was referred Senate Bill No. 82, entitled An Act amendatory of, and supplementary to, "An Act to Incorporate the City of Marysville," approved March 5th, 1855, respectfully recommend its passage with the accompanying amendments.

W. C. BURNETT.

First amendment—in the ninth line of section one, after the word "Marshal," insert the words "one Attorney."

Second amendment—to strike out section second.

Third amendment—after the word "council" in the last line of section third, affix the following : "Such per centage to be fixed by the Common Council, but not to amount to more than one thousand dollars in any one year." The section numbered three in the bill, to be numbered two.

Fourth amendment—the section numbered four in the bill shall be number three ; section five shall be section four, section six shall be section five.

Fifth amendment—section seven is amended so as to read as follows : Section six, this Act shall take effect on the first Monday of April next ; *provided*, that a City Assessor, as provided in this Act, shall be elected at the general city election to be held on the third Monday of April, 1856, and that it shall be the duty of the Mayor to issue his proclamation therefor at least two days before such election, which proclamation shall be deemed sufficient notice of such election.

Mr. Mandeville moved to adjourn.

Lost.

The following message was received from his Excellency the Governor :

EXECUTIVE DEPARTMENT, }  
Sacramento City, March 12th, 1856. }

*To the Senate of California :*

I hereby nominate and appoint Robert Haley Port Warden for the Port of San Francisco, *vice* Amos Noyes, removed, and the concurrence of your Honorable Body is respectfully requested therein.

Very respectfully,

Your obedient servant,

J. NEELY JOHNSON.

On motion of Mr. Fiske, the Senate went into Executive Session.

•  
IN SENATE.

On motion of Mr. Scellen, the Senate adjourned.

## IN SENATE.

THURSDAY, March 13th, 1856.

Seante met pursuant to adjournment.

Lieutenant-Governor in the Chair.

Prayer by the Rev. Mr. Pratt.

Journal of yesterday read and approved.

Mr. Mandeville presented a petition from James Remick praying for a relief for arresting three escaped convicts and delivering them to the State Prison authorities.

Referred to the State Prison Committee.

Mr. Flint presented a petition from citizens of San Francisco County praying a repeal of so much of Section 394 of An Act passed April 29th, 1851, entitled "An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State ; also,

To repeal so much of Section 14 of An Act entitled "An Act concerning Crimes and Punishments," passed April 16th, 1850, as relates to Negroes and Mulattoes from being competent witnesses in the Courts of this State in cases or proceedings to which white persons are parties.

Referred to the Judiciary Committee.

Mr. Bynum presented a petition from citizens of Solano County, relating to the territory of Solano County.

Referred to the Committee on Counties and County Boundaries.

Mr. Hawks presented sundry accounts.

Referred to the Committee on Contingent Expenses.

Mr. Heintzelman presented a remonstrance from citizens of Napa County against the passage of a bill now pending before the Legislature, to change the southern boundary line of Napa County.

Referred to the Committee on Counties and County Boundaries.

Leave being granted, Mr. Mandeville introduced a bill for An Act for the relief of James Remick.

Read a first and second times and referred to the State Prison Committee.

Mr. McGee presented the account of Wm. J. Lewis for services rendered in measuring State Prison Wall.



Referred to the Committee on Contingent Expenses.

The hour for the consideration of the special order having arrived being Senate Bill No. 82, for An Act amendatory of, and supplementary to, "An Act to Incorporate the City of Marysville," approved March 5th, 1855.

Taken up, considered in Committee of the Whole and amended.

After some time so spent, the committee rose and reported the bill back to the Senate.

On motion, the amendments made in Committee of the Whole, were concurred in.

On motion of Mr. Burnett, the bill was considered engrossed, read a third time and passed.

According to previous notice, Mr. Burton moved to amend the twenty-seventh Standing Rule of the Senate by changing the hour of meeting from eleven to ten o'clock.

Lost.

Mr. Coffroth presented the following report :

*Mr. President :*

The Committee on Corporations, to which was referred Senate Bill No. 57, An Act to amend "An Act to provide for the Incorporation of Railroad Companies," passed April 22d, 1853, and amended May 15th, 1854, have had the same under consideration and have given it a careful consideration. They report the bill back with various amendments, and after their adoption, recommend the adoption of the bill.

J. W. COFFROTH,  
Chairman.

The bill was placed on the Calendar.

Mr. Coffroth presented the following report :

*Mr. President :*

The Committee on Corporations, to which was referred a petition from certain citizens of Knight's Ferry, San Joaquin County, asking the Legislature to grant a charter to Carothers & Stewart, for the purpose of directing the waters of the Stanislaus River ; and to which was also referred a remonstrance against the same, report the same back and recommend its indefinite postponement. The franchise demanded cannot be granted by the Legislature, as the Constitution prohibits the creation of special acts of incorporation. In the opinion of your committee, the passage of an Act petitioned for, would be a positive violation of the fundamental law, and therefore they recommend its indefinite postponement.

J. W. COFFROTH,  
Chairman.

In accordance with the recommendation of the committee, the subject was indefinitely postponed.

The second special order being the Assembly Concurrent Resolution and Senate substitute relating to the election of N. P. Banks, Jr., as Speaker of the House of Representatives of the United States.

Taken up and on motion, temporarily laid upon the table.

Mr. McGee presented the following report :

*Mr. President :*

The State Prison Committee, to which was referred Assembly Bill No. 156, providing for the lease and support of the State Prison Convicts, report the same back and recommend its passage.

JOHN B. MCGEE,  
Chairman.

The bill was taken up and considered in Committee of the Whole. After some time so spent, the committee rose and reported the bill back to the Senate without amendment.

Mr. Mandeville moved to make the bill the special order for Saturday next, at 12 o'clock, M.

Upon which the yeas and nays were demanded by Messrs. Norman, Shaw and Crandall, with the following result :

AYES.

Messrs. Burton, Cosby, Crandall, Day, De la Guerra, Dosh, Gove, Hawthorne, Mandeville, McNeill, Norman, Shaw, Tilford, Waite, Wilson—15.

NOES.

Messrs. Burnett, Bynum, Coffroth, Ferguson, Fiske, Flint, French, Hawks, Heintzelman, Hook, Lippincott, McCallum, McCoun, McGee, Rust, Westmoreland—16.

So the motion was lost.

Mr. Burton moved that the bill be ordered printed and made the special order for to-morrow, at 1 o'clock P. M.

Which was agreed to.

Mr. Cosby presented the following report :

*Mr. President :*

The Committee on Military Affairs, to which was referred Senate Bill No. 67, has had the same under consideration, and beg leave to report the same back to the Senate, with a substitute, and recommend the passage of the substitute.

J. D. COSBY,  
Chairman.

The bill and substitute were placed on the Calendar.

The following message was received from his Excellency, the Governor :

EXECUTIVE DEPARTMENT, }  
Sacramento, March 12th, 1856. }

*To the Senate of California :*

I have this day received the annual report of Dr. John B. Trask, State Geologist, which is herewith presented for such disposition as may be deemed advisable by your honorable body.

I have the honor to be,  
Your obedient servant,

J. NEELY JOHNSON.

Mr. Mandeville moved that five thousand copies of the report of the State Geologist accompanying the Governor's Message, be printed.

Mr. Coffroth moved to amend by inserting two thousand copies, upon which the ayes and noes were demanded by Messrs. Coffroth, McCallum and McCoun, with the following result :

AYES.

Messrs. Burnett, Coffroth, Hawthorne, Heintzelman, McCallum, McCoun, Scellen, Waite, Westmoreland and Wilson—10.

NOES.

Messrs. Burton, Bynum, Cosby, Crandall, Day, Dosh, Ferguson, Fiske, Flint, French, Gove, Hook, Mandeville, McGee, McNeill, Norman, Rust Shaw and Tilford—19.

Lost.

Mr. Heintzelman moved to amend by inserting three thousand copies. Mr. Norman demanded the previous question, which was sustained, and the question being "Shall the main question be now put?" it was carried. The question recurring on the motion of Mr. Heintzelman, to print three thousand copies of the report, the yeas and noes were demanded by Messrs. Coffroth, Heintzelman and Hawks, with the following result :

AYES.

Messrs. Burton, Bynum, Coffroth, De la Guerra, Hawthorne, Heintzelman, McCallum, Scellen, Shaw, Tilford, Waite, Westmoreland and Wilson—14.

NOES.

Messrs. Cosby, Crandall, Day, Dosh, Ferguson, Fiske, Flint, French, Gove, Hawks, Hook, Mandeville, McGee, McNeill and Norman—15.

Lost.

The question recurring on the original motion of Mr. Mandeville to print five thousand copies of the report, the ayes and noes were demanded by Messrs. Coffroth, Heintzelman and McCallum, with the following result :

## AYES.

Messrs. Burton, Bynum, Cosby, Crandall, Day, Dosh, Ferguson, Fiske, Flint, French, Gove, Hawks, Hawthorne, Hook, Mandeville, McCallum, McGee, Norman, Shaw and Tilford—20.

## NOES.

Messrs. Burnett, Coffroth, Heintzelman, Scellen, Waite, Westmoreland and Wilson—8.

So the motion prevailed.

The following message was received from the Assembly :

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed the following bills :

Assembly bill No. 107, An Act entitled An Act to regulate fees of officers in the County of Klamath.

Assembly Bill No. 102, An act for the better maintenance of the indigent sick of Shasta and Siskiyou Counties.

Senate Bill No. 117, An Act to authorize the guardian of Minna L. Buchanan, to sell and dispose of her real estate and chattels real.

Also, passed a Concurrent Resolution, which is herewith submitted.

Respectfully submitted.

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Bill No. 107 was taken up, read a first and second times, and referred to the Senator from Klamath County.

Substitute for Assembly Bill, No. 102, was taken up read a first and second times and referred to the Committee on the State Hospital.

The following resolution accompanying the Assembly message, was read, and on motion concurred in:

*Resolved,* By the Assembly, the Senate concurring, that our Senators and Representatives in Congress be instructed to use their influence with the department, for a mail route from Monterey to Santa Barbara, in this State, and that the Governor of this State be requested to forward to each of our Representatives in Congress a copy of this resolution.

The second special order of the day, which had been laid temporarily on the table, relating to the election of N. P. Banks, Jr., as Speaker of the House of Representatives of the United States, was taken up.



Mr. Cosby withdrew the substitute previously offered by him to the Assembly resolution.

Mr. McCallum offered the following substitute :

*Whereas*, it is not the state or national policy of the people of California, to destroy her influence with her sister states, by interfering with their sectional dissensions, therefore

*Resolved*, By the Senate, the Assembly concurring, that this State still adheres to the doctrine of non-intervention : that said State is opposed to agitation of all questions of a sectional character, from whatever quarter of the Union they may come : that the people of California will maintain in the future as they have successfully maintained in the past, a conservative position, and they will take no action through this Legislature which may destroy, or tend to destroy her conservative influence in the United States Congress.

Mr. French moved a call of the Senate, which was carried.

The roll was called and Messrs. Maudeville and McCoun were found to be absent without leave.

The Sergeant-at-Arms was dispatched for the absentees. In a few moments afterwards the absent Senators appeared at the bar of the Senate, and were excused and admitted on the floor.

On motion of Mr. French, further proceedings under the call, were dispensed with.

On the question of adopting the substitute to the Assembly Banks resolution, offered by Mr. McCallum, the yeas and noes were demanded by Messrs. French, Heintzelman and Maudeville. After some discussion, Mr. Coffroth moved that when the Senate adjourn it adjourn to meet this evening, at 7 o'clock, for the purpose of continuing the consideration of the special order, upon which the yeas and noes were demanded by Messrs. Hook, Maudeville and French, with the following result :

AYES.

Messrs. Burnett, Burton, Bynum, Coffroth, Cosby, Day, Ferguson, Fiske, Flint, Hawks, Hawthorne, McCallum, McCoun, McGee, Scellen, Waite and Westmoreland—17.

NOES.

Messrs. Crandall, De la Guerra, Dosh, French, Gove, Heintzelman, Hook, Lippincott, Maudeville, McNeill, Norman, Rust, Shaw, Tilford, and Wilson—15.

So the motion prevailed.

Mr. Rust moved to adjourn.

Lost.

The third special order of the day was taken up, being a Message from his

Excellency the Governor, appointing Robert Haley a Port-Warden for the Port of San Francisco, *vice* James Noyes removed.

On the question of confirming the appointment the vote was called with the following result:

AYES.

Messrs. Burnett, Burton, Bynum, Coffroth, Cosby, Crandall, Day, De la Guerra, Dosh, Ferguson, Fiske, Flint, French, Gove, Hawthorne, Heintzelman, McCallum, McCoun, McGee, McNeill, Norman, Rust, Scellen, Shaw, Tilford, Waite and Wilson—27.

NOES.

Mr. Mandeville—1.

On motion of Mr. Rust, the Senate adjourned.

### EVENING SESSION.

The Senate met at 7 o'clock, P. M.

Lieutenant-Governor in the Chair.

Mr. French moved a call of the Senate.

Carried.

The roll was called and the following Senators found absent without leave:

Messrs. Bynum, Day, Hawthorne, Rust and Shaw.

The Sergeant-at-Arms, was depatched for the absentees. Several motions to dispense with further proceedings under the call, were lost.

Senators Bynum and Day appeared at the bar of the Senate and were admitted.

On motion of Mr. French, further proceedings under the call, were dispensed with.

Mr. French proposed to amend the substitute offered by Mr. McCallum, to the Assembly Banks Resolution, as follows:

Strike out the preamble and all after the word "resolved," and insert the following:

By the Senate, the Assembly concurring, that N. P. Banks, Jr., was not a fit person to be elected to the high and responsible office of Speaker of the U. S. House of Representatives, and that his open assertion that in a certain contingency he was willing to let the Union slide, and his affiliation politically with

Seward, Sumner and Hale, go to prove that he is an enemy to the constitution and his country, who should not be intrusted with power, nor honored by an election to a position so important.

*Resolved*, That the people, on all occasions where the safety of the Union is endangered, or where the national feelings has been outraged, have a right to know the opinions of their Senators and Representatives, and that a failure on our part to express our deep regret at the election of Mr. Banks would prove us recreant to the trust which has been imposed upon us by the people of a liberal and Union loving State.

Mr. Hawks demanded a call of the Senate.

Carried.

The roll was called and every Senator found to be present, except Mr. Ashley, who was absent on leave.

On the question of adopting the amendment to Mr. McCallum's substitute offered by Mr. French, the ayes and noes were demanded by Messrs. Heintzelman French and Cosby, with the following result :

AYES.

Messrs. Crandall, De la Guerra, Dosh, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, Tilford and Wilson—15.

NOES.

Messrs. Burnett, Burton, Bynum, Coffroth, Cosby, Day, Ferguson, Fiske, Flint, Hawks, Hawthorne, McCallum, McCoun, McGee, Scellen, Waite and Westmoreland—17.

So the amendment was rejected.

The question recurring on the substitute offered by Mr. McCallum, to the Assembly Resolution, the ayes and noes were demanded by Messrs. Coffroth, Cosby and Rust, with the following result :

AYES.

Messrs. Burnett, Burton, Bynum, Coffroth, Cosby, Day, Ferguson, Fiske, Hawks, Hawthorne, McCallum, McCoun, McGee, Scellen, Waite, Westmoreland and Mr. President—17.

NOES.

Messrs. Crandall, De la Guerra, Dosh, Flint, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, Tilford and Wilson—16.

So Mr. McCallum's substitute was adopted.

Mr. Hawks moved to put the substitute on its passage.

Mr. Mandeville moved to indefinitely postpone the same, upon which the ayes and noes were demanded by Messrs. French, Mandeville and Hawthorne, with the following result :

AYES.

Messrs. Burton, Crandall, Day, De la Guerra, Dosh, Flint, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, Tilford and Wilson—18.

NOES.

Messrs. Burnett, Bynum, Coffroth, Cosby, Ferguson, Fiske, Hawks, Hawthorne, McCallum, McCoun, McGee, Scellen, Waite and Westmoreland—14.

So the substitute was indefinitely postponed.

On motion, the Senate adjourned.

---

IN SENATE.

FRIDAY, March 14th, 1856.

Senate met pursuant to adjournment.

Lieutenant-Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of yesterday read and approved.

Mr. Fiske presented a petition from citizens of El Dorado County, praying for a repeal of the 394th section of An Act passed April 29th, 1851, to regulate proceedings in civil cases in the Courts of Justice of this State as relates to negroes ; also,

So much of Section 14th of An Act entitled "An Act concerning Crimes and Punishments," passed April 16th, 1850, as relates to negroes and mulattoes, and which disqualifies negroes and mulattoes from being competent witnesses in courts of this State in cases or proceedings against white persons.

Referred to the Judiciary Committee.



Mr. Lippincott presented a remonstrance from citizens of Yuba County against the forming of a new county out of the Counties of Plumas, Sierra and Yuba.

Referred to the Committee on Counties and County Boundaries.

Mr. Shaw presented a petition from citizens of San Francisco County, praying for the passage of a Settlers' Bill, containing the principle adopted at the State Settlers' Convention, held in Sacramento, August 8th and 9th, 1855.

Placed on file.

Mr. Tilford introduced a bill for An Act entitled an Act to create an Inspector of Pork, Beef and Salt Provisions, and defining the duties thereof in and for the County and City of San Francisco, which was read a first and second times and referred to the Judiciary Committee.

Mr. Burton presented the following report :

*Mr. President :*

Your Committee on Enrollment has examined, and find correctly enrolled, An Act to authorize the Guardian of Minna Buchanan to sell and dispose of her real estate and chattels real.

E. F. BURTON.

Mr. Flint presented the following report :

*Mr. President :*

Your Committee on Contingent Expenses has examined the account of Joel Ball for two months' rent of committee rooms, and beg leave to report a resolution for the payment thereof and recommend its passage.

WILSON FLINT,  
Chairman.

Mr. Flint presented the following report :

*Mr. President :*

Your Committee on Contingent Expenses has examined the accounts of Wm. J. Lewis for services as architect in measuring State Prison wall, and beg leave to report a resolution for the payment thereof, and recommend its passage.

WILSON FLINT,  
Chairman.

The following resolution accompanied Mr. Flint's report :

*Resolved*, That the Controller of State is hereby authorized to draw his warrant on the Treasurer for the sum of one hundred and seventy-five dollars, for two months' rent of Committee Rooms, and the same shall be paid out of the contingent fund of the Senate.

The resolution was placed on the Calendar.

The following resolution accompanied Mr. Flint's report :

*Resolved*, That the Controller of State is hereby authorized to draw his warrant on the Treasurer, in favor of Wm. J. Lewis, for the sum of one hundred dollars, for services as architect in measuring the State Prison wall; and the same shall be paid out of the Contingent Fund of the Senate.

The resolution was placed on the Calendar.

Mr. Heintzelman presented a schedule of expenditures and receipts of the California State Agricultural Society for the year 1855, which was referred to the Committee on Agriculture.

Mr. Mandeville was permitted to withdraw the account of the Columbia Gazette, heretofore submitted to the Senate.

Mr. Westmoreland presented the following report :

*Mr. President :*

The Committee on Mines and Mining Interests, to which was referred Senate Bill No. 59, an Act declaring Mining Claims to be Personal Property, have had the same under advisement, and beg leave to return the same and recommend its indefinite postponement.

CHAS. WESTMORELAND,

Chairman.

The Bill was placed on the Calendar.

Mr Coffroth presented the following report :

*Mr. President :*

The Select Committee to which was referred An Act concerning Official Advertisements, and to provide for their payment, with instructions to take into consideration the claims of El Eco du Pacifico and the San Francisco Citizen, report the same back, and recommend the insertion of the following amendment:

San Francisco Citizen.....	\$2,120
El Eco du Pacifico.....	1,000

The Committee is of opinion that this amendment, with several items in the bill, should not have been incurred by the State Land Commissioners; but as they acted as the agents of the State by the authority of law, and ordered the publications to be made, it is but proper that the State should liquidate the indebtedness.

J. W. COFFROTH,

Chairman.

The rules were suspended, and the amendments reported by the Committee concurred in.

After some discussion and the presentation of several amendments, which were subsequently withdrawn, Mr. Coffroth moved that the bill be read a third time and passed.

Upon which, the ayes and noes were demanded by Messrs. Coffroth, Fiske and Lippincott, with the following result :

AYES.

Messrs. Burnett, Bynum, Cosby, Crandall, Day, Ferguson, Flint, Gove, Hawthorne, Hawks, Hook, Lippincott, Mandeville, McCoun, McGee, Rust, Scellen, Shaw and Tilford—19.

NOES.

Messrs. Burton, Coffroth, Dosh, French, McCallum, McNeill, Waite, Westmoreland and Wilson—10.

So the motion prevailed, and the Bill was read a third time and passed.

Mr. Rust presented a petition and remonstrance from Citizens of Yuba County, asking permission to divert the waters of Yuba River for purposes of irrigation, which was placed on file.

Mr. Ferguson presented the following report :

The Judiciary Committee to which was referred Senate Bill No. 98, entitled An Act to abolish the office of Harbor Master at San Francisco, have had the same under consideration, and would respectfully recommend its passage. The Bill was made the special order for Tuesday next, at 12 o'clock, M.

Mr. Rust gave notice that on to-morrow he would introduce a Bill to authorize certain citizens of Yuba County to divert a portion of the waters of the Yuba River from its main channel, for irrigating purposes.

Mr. Day made a verbal report from a Special Committee, recommending the passage of Assembly Bill No. 127, An Act to authorize the funding of the debt of the City of San Jose, and to provide for the payment of the same ; also,

Assembly Bill No. 100, An Act to legalize the Incorporation of the Town of Santa Clara.

The Bill was placed on the Calendar.

Mr. Heintzelman presented the following report :

*Mr. President :*

The Special Committee, to which was referred Assembly Concurrent Resolution No. 20, have had the same under consideration, and beg leave to report back a substitute for the same, and recommend its passage.

H. R. HEINTZELMAN,  
JNO. D. COSBY.

Preamble and the following resolution accompanied the report :

WHEREAS, The town of Petaluma in the County of Sonoma is the distributing point for a large agricultural district of country, having a large and permanent population, and whereas, there is a daily communication between that

place and San Francisco by steamboats, but having no regular public mail communication under the U. S. mail contract whatever ; therefore, be it

*Resolved*, by the Senate and Assembly of the State of California, that our Senators and Representatives in Congress be requested to procure at least a tri-weekly mail service between said points, and at least a weekly service from Petaluma via Santa Rosa and Windsor to Russian River.

*Resolved*, That our Senators and Representatives in Congress be requested to urge upon the Postmaster-General the necessity of placing under contract and in active service the U. S. mail route established by Act of Congress between the Cities of San Francisco, Humboldt and Crescent.

*Resolved*, That his Excellency the Governor is hereby requested to forward a copy of the above to each of our Senators and Representatives in Congress.

On motion, the substitute reported by Mr. Heintzelman was adopted.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills has examined the Standing Rules and Orders of the Senate of the State of California, session of 1856, and find the same correctly engrossed.

McCALLUM, Chairman.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills has examined Senate Bill No. 82, An Act amendatory of and supplementary to the Act to incorporate the City of Marysville, and find the same correctly engrossed.

McCALLUM, Chairman.

Mr. Burton presented the following report :

*Mr. President :*

Your Committee on Enrollment presented this day to his Excellency the Governor, for his signature, An Act to authorize the guardian of Minnie C. Buchanan to sell and dispose of her Real Estate and Chattels Real.

E. F. BURTON, Chairman.

Mr. Day introduced a Bill for An Act to provide for the survey and construction of Immigrant Wagon Roads across the Sierra Nevada Mountains.

Read a first and second times, and referred to Committee on Internal Improvements, and 500 copies ordered printed.

Mr. Cosby introduced a Bill for An Act to amend "An Act supplemental to an Act entitled 'An Act to exempt the Homestead and other Property from forced sale in certain cases,' passed April 21, 1851.

Read a first and second times and referred to the Judiciary Committee.



Mr. McCoun presented the following report :

*Mr. President :*

The Committee to which was referred Assembly Bill No. 255, entitled An Act to authorize the Board of Supervisors of the County of San Joaquin to issue Bonds to provide for the Payment of the Principal and Interest of the same, would beg leave to report the same back to the Senate, and recommend the passage of the same.

W. H. McCOUN,  
Chairman Special Committee.

On motion, the rules were suspended, the bill read a third time and passed.

Mr. Cosby, from a Select Committee, reported back Assembly Bill No. 107, entitled An Act to regulate Fees of Officers in the County of Klamath.

Considered in Committee of the Whole, and amended.

After some time so spent, the committee rose and reported the Bill back to the Senate, when the amendments made in committee were concurred in, and the Bill read a third time and passed.

Mr. French presented the account of the Shasta Courier, which was referred to the Committee on Contingent Expenses.

Mr. Cook, from the Committee on Engrossments, reported back Senate Bill No. 73, An Act concerning the Reporter of the Supreme Court.

On the question of passing the Bill, the ayes and noes were demanded by Messrs. Mandeville, Fiske and Cosby, with the following result :

AYES.

Messrs. Burnett, Bynum, Cosby, Coffroth, Day, De la Guerra, Dosh, Fiske, Ferguson, Flint, French, Hawks, Hawthorne, Lippincott, McCallum, McCoun, McGee, Rust, Scellen, Westmoreland and Wilson—20.

NOES.

Messrs. Burton, Crandall, Hook, Mandeville, McNeill, Norman and Waite  
—7.

So the Bill was passed.

The hour for the Special Order having arrived, Assembly Bill No. 156, An Act creating a Board of State Prison Commissioners and defining their duties, was taken up and considered in Committee of the Whole.

After some time so spent, the committee rose and reported the Bill back to the Senate, without amendment, and recommended its passage.

Mr. Shaw offered the following amendment to the Bill :

In Section 1, line first, insert the word "Governor" after the word "the."

Upon which the ayes and noes were demanded by Messrs. Shaw, Maudeville and McNeil, with the following result :

AYES.

Messrs. Burton, Cosby, Crandall, Day, Dosh, McNeill, Norman, Scellen, Shaw, Waite and Wilson—11.

NOES.

Messrs. Burnett, Bynum, Coffroth, De la Guerra, Ferguson, Fiske, Flint, French, Gove, Hawks, Hawthorne, Heintzelman, Hook, Lippincott, Mandeville, McCoun, McGee, Rust, Tilford and Westmoreland—20.

So the amendment was lost.

Mr. Shaw moved to insert the words "Attorney-General," in the first line of the first Section, after the word "the."

Lost.

Mr. Shaw offered the following amendment :

Section 1st, line 2d, strike out "lease," and insert "to advertise for proposals for a lease of." Section 1st, line 3d, after the word "years" strike out balance of Section, and insert as follows :

" Under and according to the provisions of this Act ; which notice for proposals shall be published in one newspaper in Sacramento, Stockton and Marysville, and two in San Francisco, for not more than thirty days ; and shall specify the time and place when such proposals shall be sent, how they shall be made and when they will be examined ; and each proposal shall be accompanied with the names of the bondsmen who will go upon the proposer's bond. And at the time therein specified, the said Board of Commissioners shall publicly open, examine and make known the several proposals theretofore received ; and shall award the said lease to the lowest bidder therefor ; *provided*, he will within three days thereafter, give or tender the bond as required in this Act.

And if such bidder shall fail to do so, then the next highest bidder shall be entitled to the same privilege for three days after being notified of his rights ; and so on, until a bidder be found to comply. And if none should do so, then proposals may be advertised for in the same manner and subject to the same regulations as the first, in every particular."

The ayes and noes were demanded on the adoption of the amendment, by Messrs. Shaw, Day and Wilson, with the following result :

AYES.

Messrs. Burton, Cosby, Crandall, Day, Dosh, McCallum, McNeill, Norman, Shaw, Waite and Wilson—11.

NOES.

Messrs. Burnett, Bynum, Coffroth, Ferguson, Fiske, Flint, French, Gove, Hawks, Hawthorne, Heintzelman, Hook, Lippincott, Mandeville, McCoun, McGee, Rust, Scellen, Tilford and Westmoreland—20.

So the amendment was lost.

Mr. Shaw offered the following amendment :

Section 3, strike out after "Commission," and insert, "And State Prison Directors shall make all rules and regulations which they may deem necessary and proper, and not inconsistent with law for the regulation and discipline of the Prison, and the safe keeping, health and cleanliness of the prisoners, copies of which they shall cause to be posted up in conspicuous parts of the Prison and Prison grounds."

Mr. Heintzelman demanded the previous question, which was sustained.

And the question being, Shall the main question be now put? the ayes and noes were demanded by Messrs. Shaw, Day and Wilson, with the following result :

AYES.

Messrs. Burnett, Bynum, Coffroth, De la Guerra, Ferguson, Fiske, French, Flint, Hawks, Hawthorne, Heintzelman, Hook, Lippincott, McCoun, McGee, Rust and Westmoreland—17.

NOES.

Messrs. Burton, Cosby, Crandall, Day, Dosh, Gove, Mandeville, McCallum, McNeill, Norman, Shaw, Tilford and Waite—13.

So the motion prevailed.

The question recurring on the adoption of the amendments offered by Mr. Shaw, the ayes and noes were demanded by Messrs. Mandeville, Dosh and Shaw, with the following result :

AYES.

Messrs. Burton, Cosby, Crandall, Day De la Guerra, Dosh, McNeil, Norman, Shaw, Waite and Wilson—11.

NOES.

Messrs. Burnett, Bynum, Coffroth, Ferguson, Fiske, Flint, French, Gove, Hawks, Hawthorne, Heintzelman, Hook, Lippincott, Mandeville, McCoun, McGee, Rust, Tilford and Westmoreland—19.

So the amendment was rejected.

Mr. Rust moved that the Bill go to its third reading.

Upon which, the ayes and noes were demanded by Messrs. Day, Shaw and Wilson, with the following result :

## AYES.

Messrs. Burnett, Bynum, Coffroth, De la Guerra, Ferguson, Fiske, French, Flint, Gove, Hawks, Hawthorne, Heintzelman, Hook, Lippincott, Mandeville, McCoun, McGee, Rust, Tilford and Westmoreland—20.

## NOES.

Messrs. Burton, Cosby, Crandall, Day, Dosh, McNeill, Norman, Shaw, Waite and Wilson—10.

So the motion prevailed.

On the final passage of the Bill, the ayes and noes were demanded by Messrs. Wilson, Day and Shaw, with the following result :

## AYES.

Messrs. Burnett, Bynum, Coffroth, Ferguson, Fiske, Flint, French, Gove, Hawks, Hawthorne, Heintzelman, Hook, Lippincott, Mandeville, McCoun, McGee, Rust, Tilford and Westmoreland—19.

## NOES.

Messrs. Burton, Cosby, Crandall, Day, Dosh, McNeill, Norman, Shaw, Wilson and Waite—10.

So the Bill was passed.

Mr. Shaw offered the following amendment to the title of the Bill :

Strike out the present, and insert, "An Act to Cheat the State of California, and for other purposes."

The Chair (Mr. McCallum) decided the amendment out of order.

Mr. Shaw appealed from the decision of the Chair.

And the question being, "Shall the decision of the Chair stand as the judgment of the Senate?" it was decided in the affirmative, and the decision of the Chair was sustained.

Mr. Rust moved to reconsider the vote by which the Bill was passed.

Mr. Norman moved to indefinitely postpone the motion to reconsider.

Lost.



The question recurring on the motion to reconsider, the ayes and noes were demanded by Messrs. Norman, Shaw and Day, with the following result :

## AYES.

Messrs. Burton, Cosby, Crandall, Day, Dosh, McNeill, Norman, Shaw, Waite and Wilson—10.

## NOES.

Messrs. Burnett, Bynum, Ferguson, Fiske, Flint, French, Gove, Hawks, Hawthorne, Heintzelman, Hook, Lippincott, Mandeville, McCoun, McGee, Rust, Scellen, Tilford and Westmoreland—19.

So the Senate refused to reconsider the vote.

On motion of Mr. Gove, the Senate adjourned.

---

IN SENATE.

SATURDAY, March 15th, 1856.

Senate met pursuant to adjournment.

Lieutenant-Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Journal read and approved.

Mr. Westmoreland presented the following report:

*Mr. President :*

Your committee on the part of the Senate, appointed to examine proposals for translating the laws into Spanish and to select a competent translator, beg leave to offer the following report:

Your committee have examined the several proposals offered for translating the laws into Spanish, together with the several specimens of translation presented by applicants, and after mature and careful investigation, with reference to qualification and competency as well as price, respectfully report the name of Agustin Ainsa, as the lowest most competent bidder, and recommend his ap-

pointment as State Translator. The several proposals ranged from ninety-four cents to one dollar and forty-five cents, that of Mr. Ainsa, being one dollar per folio, including the reading of proof sheets.

Your committee would also respectfully suggest that a Joint Committee be appointed by the Senate and Assembly to designate the several laws necessary to be translated, believing that there are many laws of a local nature the translation of which would be useless and would only swell the amount of expenses without producing any other result.

M. McGEHEE,  
CHAS. WESTMORELAND.

The report of the Committee was adopted, and its recommendations concurred in.

Mr. McCallum presented the following report :

*Mr. President :*

Your Committee on Engrossed Bills has examined Senate concurrent resolution in relation to instructing our Senators and requesting our Representatives in Congress to procure a tri-weekly mail from Petaluma to San Francisco, etc., and find the same correctly engrossed.

McCALLUM,  
Chairman.

Senate Bill No. 87, An Act amendatory of, and supplementary to, an Act entitled "An Act to regulate the Settlement of the Estates of Deceased Persons," came up on its third reading, and was passed.

Leave being granted, Mr. Scellen introduced a Bill for An Act to Fund the debt of Sierra County, and to provide for the Payment of the same, which was read a first and second times, and referred to Senator Scellen.

Leave being granted, Mr. Waite introduced a Bill for An Act concerning the Office of Public Administrator in the County of Nevada, which was read a first and second times, and referred to the Nevada Delegation.

According to previous notice, Mr. Rust introduced a Bill for An Act to authorize Chas. Cavillaud and others to direct water from the main channel of the Yuba River, for irrigating purposes, which was read a first and second times and referred to the Yuba delegation.

Leave being granted, Mr. Ferguson introduced a Bill for An Act to provide for the Construction of the State Capitol in the City of Sacramento, which was referred to a Special Committee of five.

The Chair appointed the following Senators said Committee : Messrs. Ferguson, Cosby, Gove, Hawthorne and Hook.

On motion of Mr. Ferguson, Senator French was added to the Committee.

Mr. Day presented the following report :

*Mr. President :*

The Committee on Public Morals and Police, to which was referred An Act to amend an Act entitled "An Act to suppress Houses of Ill-Fame," approved April 2d, 1855, has had the same under consideration, and respectfully report the same back, and recommend its passage with amendments.

SHERMAN DAY.

The Bill was placed on the Calendar.

Mr. Fiske presented the following report :

*Mr. President :*

The Hospital Committee, to which was referred Assembly Bill No. 102, An Act for the better Maintenance of the Indigent Sick of Shasta and Siskiyou Counties, would report the Bill back, with amendments, and recommend its passage.

HENRY M. FISKE,  
Chairman.

The Bill was considered in Committee of the Whole, and amended.

After some time so spent, the committee rose and reported the Bill back to the Senate, where the committee amendments were concurred in, the Bill read a third time, and passed.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee, to which was referred Senate Bill No. 115, An Act to authorize the admission of Robert C. Milnar as an Attorney of this State, has had the same under consideration, and report the same and respectfully recommend its passage.

W. J. FERGUSON,  
Chairman.

The Bill was considered in Committee of the Whole.

After some time so spent, the Bill was reported back to the Senate, without amendment, read a third time, and passed.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee, to which was referred Senate Bill No. 85, entitled An Act to create three States out of the State of California, has had the same under consideration, and beg leave to report the same back to the Senate, and recommend that the usual number of copies of the Bill be printed, and request that the same may be recommitted to the Judiciary Committee.

W. J. FERGUSON,  
Chairman.

The recommendations of the committee were concurred in.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee has also considered Senate Bill No. 96, entitled An Act to repeal "An Act to enforce the Payment of Licenses in this State," passed April 1st, 1853, and beg leave to report the same back to the Senate and recommend its indefinite postponement.

W. I. FERGUSON,  
Chairman.

The Bill was placed on the Calendar.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee, to which was referred Senate Bill No. 63, entitled A Bill to be entitled "An Act to grant the Right of Way for a Railway and Wagon Road across the waters of the Bay of San Francisco to certain persons herein named," have had the same under consideration, and respectfully recommend the passage of the Bill, with the following amendments.

W. I. FERGUSON,  
Chairman.

The Bill was made the special order for Tuesday next, at 11½ o'clock, A. M.

Mr. Mandeville presented the following report :

*Mr. President :*

The Committee on Claims begs leave to report An Act for the Relief of Wm. J. Ford, back to the Senate, and recommend that the same be indefinitely postponed.

MANDEVILLE, Chairman.

Leave being granted, Mr. McCoun introduced a Bill to fund the debt of Contra Costa County, not heretofore funded, which was read a first and second times, and referred to Senator McCoun.

The following message was received from the Assembly :

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed the following Bills, viz :

Assembly Bill No. 55, An Act authorizing J. E. Davis and A. P. Jordan to Construct a Wharf at Santa Cruz ; also,

Concurred in Senate Resolution relative to the school moneys of the County of Santa Barbara ; and

Have amended Senate substitute to Assembly Concurrent Resolution in relation to certain mail routes therein named, and in which amendment the concurrence of the Senate is requested.

J. M. ANDERSON,  
Clerk of Assembly.



Assembly Bill No. 54, was read a first and second times, and referred to the Committee on Public Lands.

Assembly Bill No. 55 was taken up, read a first and second times, and referred to the Committee on Commerce and Navigation.

Senate substitute for Assembly Concurrent Resolution No. 20, was taken up.

On motion of Mr. Heintzelman, the Senate non-concurred in the Assembly amendment inserting the word "city," and concurred in the second amendment, to insert the word "Trinidad."

Substitute for Assembly Bill No. 79, An Act relating to the Revenue of the State, came up on its third reading, and, on motion, was laid upon the table.

Senate Bills Nos. 32 and 13, relative to the office of Reporter of the Supreme Court, were taken up, and, on separate motions, indefinitely postponed.

On motion of Mr. Cosby, Senate Bill No. 109, An Act amendatory of, and supplementary to, "An Act concerning the Organization of the Militia," passed April 25, 1855, was taken up and considered in Committee of the Whole, and amended.

After some time so spent, the Committee rose, and reported the Bill back to the Senate.

On motion of Mr. Cosby, the 11th line of Section 1 was amended, by striking out the word "and," where it occurs after the word "collected," and inserting after the word "returned" the words "and paid over."

Mr. Heintzelman offered the following amendment to the Bill :

*Provided*, that all moneys paid under this Act in the Counties of Marin, Sonoma, Mendocino and El Dorado shall be paid into the County treasuries of said Counties, and shall be expended under the orders of the Board of Supervisors of the respective Counties, in the construction and repair of roads in the afore-said Counties.

Upon which, the ayes and noes were demanded by Messrs. Hook, Fiske and Heintzelman, with the following result :

AYES.

Messrs. Fiske, French, Hawthorne, Heintzelman, Hook, McNeill, Norman—7.

NOES.

Messrs. Burnett, Burton, Bynum, Cosby, De la Guerra, Dosh, Ferguson, Flint, Gove, Hawks, Lippincott, Mandeville, McCallum, McGee, Rust, Scellen, Shaw, Tilford, Waite and Westmoreland—20.

So the amendment was rejected.

Mr. Norman moved to indefinitely postpone the Bill.

Upon which the ayes and noes were demanded by Messrs. Norman, McNeill and Heintzelman, with the following result :

## AYES.

Messrs. De la Guerra, Fiske, French, Hawthorne, Heintzelman, Hook, McNeill and Norman—8.

## NOES.

Messrs. Burnett, Burton, Bynum, Cosby, Day, Ferguson, Flint, Gove, Hawks, Lippincott, Mandeville, McCallum, McCoun, Rust, Scellen, Tilford and Westmoreland—17.

So the motion was lost.

Mr. Scellen moved that the rules be suspended, the Bill considered engrossed, read a third time, and passed.

Upon which, the ayes and noes were demanded by Messrs. Hook, Heintzelman and Fiske, with the following result :

## AYES.

Messrs. Burnett, Burton, Bynum, Cosby, De la Guerra, Dosh, Ferguson, Flint, Gove, Hawks, Lippincott, McGee, Rust, Scellen, Tilford, Westmoreland and Wilson—17.

## NOES.

Messrs. Fiske, French, Hawthorne, Heintzelman, Hook, Mandeville, McCallum, McNeill and Waite—10.

So the motion prevailed.

The Bill was ordered to be engrossed for a third reading on Monday.

Mr. Scellen moved to adjourn.

Upon which, the ayes and noes were demanded by Messrs. McCoun, Fiske and Heintzelman, with the following result :

## AYES.

Messrs. Bynum, Cosby, De la Guerra, Gove, Hawks, Mandeville, McGee, Rust, Scellen, Westmoreland and Wilson—11.

## NOES.

Messrs. Burnett, Burton, Dosh, Ferguson, Fiske, Flint, French, Hawthorne, Heintzelman, Lippincott, McCallum, McCoun, McNeill, Norman, Shaw, Tilford and Waite—17.

So the motion was lost.

The following message was received from his Excellency, the Governor :

EXECUTIVE DEPARTMENT, }  
Sacramento, March 14th, 1856. }

*To the Hon. the Senate of California :*

I have this day approved a Bill originating in the Senate, entitled An Act to authorize the Guardian of Minna C. Buchanan to sell and dispose of her Real Estate and Chattels Real.

Very respectfully,  
Your obedient servant,

J. NEELY JOHNSON.

The following message was received from his Excellency, the Governor :

EXECUTIVE DEPARTMENT, }  
Sacramento, March 15th, 1856. }

*To the Hon. the Senate of California :*

An Act amendatory of "An Act concerning Corporations," passed April 22, 1850, is herewith returned without my approval.

It will be remembered that the latter clause of Section 8th, Art. 1st, of the State Constitution, prohibits "the taking of private property for public use, without compensation being made therefor."

The Act under consideration, among other privileges given telegraph companies, authorizes them to appropriate standing trees for their uses, and no distinction is made between those on public and private lands ; hence, such incorporated companies are authorized to invade the premises of any individual, and appropriate property of this character ; and although due provision is made for the assessment of damages done the *lands* of those on which posts, masts or towers shall be placed, yet no authority is given to assess damages or compel payment for the appropriation of standing trees. The mere use of trees for such purpose might be deemed a matter of slight moment, were it not for the consequences resulting from the authority given Telegraph Companies to appropriate, coupled with the amendatory provisions of Sec. one hundred and twenty-two of the Act, which subjects even the owner of such trees, if he "should injure, molest or destroy," however necessary or beneficial they be to his own purposes or wants, "to a fine of not less than one hundred, nor more than five hundred dollars, or imprisonment in the county jail for a term not exceeding one year, or both such fine and imprisonment, at the discretion of the Court.

I apprehend it was no desire on the part of the Legislature to subject an individual to criminal prosecution, with penalties of such severity, for the assertion of his individual rights, in making proper use of his own property ; and therefore I ascribe this obvious violation of a constitutional guarantee, to an omission which has escaped their attention. Therefore, I respectfully submit the same for your further consideration.

I have the honor to be,  
Your obedient servant,

J. NEELY JOHNSON.

On motion, the message of the Governor and the accompanying bill was made the special order for Wednesday next, at one o'clock, P. M.

Mr. Mandeville presented the following report :

*Mr. President :*

The Committee on Claims, to which was referred the petition and bill of Luther Wright, praying the Legislature for relief, begs leave to report the same back to the Senate and recommend its indefinite postponement.

J. W. MANDEVILLE.

The petition and bill were placed on the calendar.

On motion of Mr. Ferguson, Assembly Bill No. 88, to amend an Act entitled "An Act to regulate proceedings in criminal cases," passed May 1st, 1851, was taken up, considered in Committee of the Whole and referred back to the Senate.

Mr. Shaw offered an amendment to except the City of San Francisco from the provisions of the bill.

Lost.

The amendments made in Committee of the Whole, were concurred in, the bill read a third time and passed.

Mr. McCoun, from a Select Committee, reported back Senate Bill No. 129, relative to funding the debt of Contra Costa County, which was read a third time by title and passed.

Mr. Day called up the resolution reported by the Committee on Contingent Expenses, for the payment to Mr. Lewis, of one hundred dollars. On motion, the resolution was adopted.

Leave being granted, Mr. Tilford introduced a bill for an Act to amend An Act to regulate fees of office, approved April 10, 1855, which was read a first and second times and referred to the Judiciary Committee.

Mr. Flint called up the resolution reported by the Committee on Contingent Expenses, for the payment of \$175 as Committee room rent to Mr. Ball.

Mr. Norman moved to adjourn, upon which the ayes and noes were demanded by Messrs. Norman, Burnett and McCoun, with the following result :

AYES.

Messrs. Cosby, Dosh, Gove, Hawthorne, Hook, Mandeville, Norman, Tilford, Waite and Wilson—10.

NOES.

Messrs. Burnett, Bynum, Day, Fiske, Flint, French, Heintzelman, Lippincott, McCallum, McCoun, McGee, McNeill and Shaw—13.



So the Senate refused to adjourn.

The question recurring on the adoption of the resolution to allow the account of Mr. Ball, on motion the same was adopted.

On motion, the Senate adjourned.

---

IN SENATE.

MONDAY, March 17th, 1856.

Senate met pursuant to adjournment.

Lieutenant-Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of Saturday was read and approved.

Mr. French presented the weekly account of Ferris Forman, Postmaster at Sacramento.

Referred to the Committee on Contingent Expenses.

Mr. Hook presented a petition from citizens of El Dorado County, praying for a special law for said county, compelling merchants, traders and inhabitants to a better observance of the Christian Sabbath.

Referred to the Committee on Public Morals and Police.

Mr. Gove presented a petition from citizens of El Dorado, praying for the passage of a Settlers' Bill in conformity with principles adopted at the State Settlers' Convention in August, 1855.

Placed on file.

Mr. Ferguson introduced a bill for an Act entitled An Act to authorize the Formation of Corporations, etc., which was read a first and second times, and referred to the Committee on Corporations.

Leave being granted, Mr. Waite introduced a bill for An Act to provide for the Incorporation of Towns, which was read a first and second times, and referred to the Committee on Corporations.

Mr. Burton gave notice that at an early day he would introduce a bill for An Act to regulate the Fees of Sheriffs for the Transportation of Prisoners to the State Prison, and for the Appropriation of Money for the same.

Mr. Norman presented the following report, which was ordered printed :

*Mr. President :*

The Committee to which was referred An Act to amend an Act entitled "An Act to provide for the Formation of Corporations for Certain Purposes," approved April 14, 1853 ; and An Act to amend an Act entitled "An Act concerning Corporations," passed April 22, 1850,—has had the same under consideration, and ask leave to make the following report :

The importance of the subject embodied in this report, and the magnitude of the evils which the Acts named propose to remedy, require a greater amount of investigation, and consequently more time, than the committee are able to bestow upon them.

Owing to unguarded legislation in the enactment of general corporation laws, two powerful monopolies have been created in this State, which, as the committee will endeavor to show, extract annually from the industry and commerce of the country more money than is paid into the Treasury of the State from all its sources of revenue. It is a fact well known, or, if not well known, it is time that it should be, that the entire carrying trade of the Sacramento River and its tributaries is done by two incorporated companies ; one of which, and by far the most powerful, is known as the California Steam Navigation Company, and the other as the Citizens' Steam Navigation Company. Since these companies have had the control of the carrying trade, prices have at times been so high as to amount almost to extortion, and even now they are much higher than there is any actual necessity for. At present, when, perhaps, they have the fear of legislative interference before them, they charge for carrying cabin passengers six dollars from this city to San Francisco, and but a few weeks ago they charged seven dollars. At present, they charge for freight from San Francisco to this city five dollars per tun, while only a short time ago they charged six dollars. Last year, (and we speak on the authority of a steamboat captain who has had much experience on our rivers,) the prices ruled much higher than they have this, and on the year previous to the last, prices ruled still higher. We propose, then, to give the following as the average prices which have been charged by the incorporated Steam Companies, per day, since the time of their organization, and we fully believe that the prices here set forth are much less than those actually received by them :

FROM SAN FRANCISCO TO SACRAMENTO—DISTANCE ONE HUNDRED AND TWENTY MILES.

Rate for Cabin Passengers, at 5 5-6 cents per mile.....	\$7 00
Rate for Deck Passengers, at 4 1-6 cents per mile.....	5 00
Rate for Freight, per tun, 5 cents per mile.....	6 00

The Acts herewith transmitted to the Senate propose to reduce the foregoing rates to the following standard :

FROM SAN FRANCISCO TO SACRAMENTO.

For Cabin Passengers, at 3½ cents per mile.....	\$4 20
For Deck Passengers, at 2 cents per mile.....	2 40
For Freight, 3 cents per mile, per tun.....	3 60

If it were necessary to say anything to show that the prices named in the Acts under consideration are extremely liberal, we might adduce the fact, that cabin passengers on the Mississippi and Ohio rivers, (where freight and passage are much higher than in any other portion of the United States, except California,) can travel from New Orleans to Cincinnati, a distance of about sixteen hundred miles, for twelve dollars, and this includes board and lodging during the trip, which generally occupies six or eight days.

The Acts referred to, propose to allow four dollars and twenty cents as the price of cabin passage for one hundred and twenty miles, without board or lodging—a distance which can be traveled between daybreak and dark. For traveling sixteen hundred miles, at the prices named in the Acts referred to, (three and a half cents per mile for cabin,) would amount to fifty-six dollars—board and lodging extra—which is just forty-four dollars more than is charged in the southern Atlantic States, for traveling the same distance, with board and lodging included.

After making this statement, we think the most ardent friends of monopoly will not say the prices named in the Acts are too small to be remunerative.

In regard to carrying freight, we would only remark, that brigs, schooners, etc., are now carrying freight from San Francisco to this city for three dollars per tun, and find it a paying business, whilst the Acts under consideration propose to allow the incorporated companies three dollars and sixty cents per tun. We think that steamboats should carry freight on rivers full as cheap as sail vessels, because they can, owing to their speed, make a great many more trips within a given time.

We do not propose to give the distance from San Francisco to Marysville, nor from San Francisco to Colusi, or Red Bluffs; it is much greater, however, than the distance from San Francisco to Sacramento, or Stockton, which two latter places are just the same distance, (one hundred and twenty miles,) from San Francisco. We propose, then, to consider one hundred and twenty miles the average distance for carrying freight, by the Steam Companies on the Sacramento River and its tributaries.

Let us now make a calculation, by which we may approximate somewhat near the truth, as to the amount that the people of this State, and especially the mining portion of them, are taxed annually, in order simply to make the rich richer, and the poor poorer:

We have the report of Mr. Meeker to the Board of Aldermen of this city, which gives the number of tuns which arrived at Sacramento from San Francisco, on the boats of the Steam Companies during last month, as two hundred and thirty-five tuns daily. Mr. Meeker thinks it would be perfectly safe to estimate the number of tuns of freight arriving at this place daily, by the above boats, per annum, at two hundred and fifty tuns. For our own part, we think even that much less than the average; for there are often more boats running than at present. But to be safe in our calculations, let us say that the number of tuns arriving here daily is two hundred and fifty. The average rate charged by the combination is, say, six dollars per tun, which on two hundred and fifty tuns, amounts to fifteen hundred dollars per day. The rate proposed by the present Acts, which we think we have already shown to be liberal in the extreme, is three dollars and sixty cents per tun, which on two hundred and fifty tuns, would amount per day to nine hundred dollars. Making a daily difference in favor of the Acts of six hundred dollars. The boats of the combination do not run on Sundays, so that we must count in our calculation only six days to the week. Then we have—

In one week, a difference between a fair price and that which is charged  
by the incorporated companies, of..... \$3,600



In a month of twenty-four days, of..... \$14,400  
 In one year the difference amounts to ..... 172,800

We have here shown that from the arrivals at this point alone, \$172,800 are paid annually by the people to gratify the remorseless and insatiable love of gold which characterizes business corporations generally.

Let us pursue our researches further. We find that two boats arrive here daily, and that they have boats running to Stockton, Marysville, Colusi and Red Bluffs daily. If the two boats running to this point carry two hundred and fifty tuns daily, we think it a low estimate to say that the others carry three hundred and fifty tuns daily; and as they travel further, their profits are supposed to be greater; but, as we wish rather to make under-estimates than to shoot wild of the mark, let us say three hundred and fifty tuns. Now, for transporting three hundred and fifty tuns per day, the difference between the price charged by the combination and that proposed to be charged by the Acts under consideration, would amount (calculating for the same distance, 120 miles,) to \$840, making a difference in one month of \$20,160, and a difference in one year of \$241,920. Now, add this amount to the difference which the Acts propose to make in the price of freight that arrives at Sacramento in one year, and we have the snug little sum of \$414,720.

It is thought by the committee, that the passage of these Acts would save the above amount to the people annually; for even though the corporations should dissolve, a fair competition would spring up, and reduce the prices to those already named.

How does the matter stand with regard to carrying passengers? We have conversed with gentlemen well acquainted with the business, and who profess to know, and they say that as two boats leave San Francisco for this city daily, and that as two leave this city for San Francisco daily, that 400 passengers, at the very least, are carried on these boats each day. Suppose one-half to be cabin passengers, then 200 daily, at \$1 each, which we give as the average charged by the corporations, would amount in one year to \$403,200. The Acts propose to charge \$4 20 for each cabin passenger which, in one year, amounts to \$241,920, making a difference per annum in favor of the people, and, therefore, in favor of the passage of these Acts, of \$161,280.

At the rate charged for carrying deck passengers by the incorporated companies, from this city to San Francisco, and from San Francisco here, (\$5 each,) would be daily, for two hundred, \$1,000. By the Acts under consideration (\$2 40 each) the amount for carrying the same number daily, would be \$480, making a difference in one year of \$149,760. Add this amount to amount received over and above the fair price for cabin passengers, and we have \$311,040. Then add \$311,040 more to that, to make up for the number of passengers carried by the boats running to Stockton, Marysville, Red Bluffs and Colusi, and we have \$622,080.

This, we are satisfied, is a small estimate; but now let us join this amount to that which is overcharged on freight, and we have the princely sum of one million and thirty-six thousand and eight hundred dollars.

Here then is the sum of \$1,036,800 paid by the people of this State as a tribute, not to any warlike lord, nor to any foreign country to keep off invasion—that is a kind of tribute which Americans never pay—but it is an annual tribute to grasping and soulless corporations, which, by insidious wiles, aided by unguarded legislation, have fastened themselves upon the very vitals of the State, and, unless checked by legislative enactment, will inevitably destroy its industry and commerce.

Assuming that our calculation, so far, has been correct, (and we think no one will be bold enough to say that it is exaggerated,) let us see what portion of the



State suffers most by this onerous tax, and what amount is paid by each individual upon whom it falls. We find that the following counties alone are supplied by the boats of the corporations alluded to, viz : Shasta, Colusi, Butte, Sierra, Yuba, Sutter, Nevada, Placer, Yolo, El Dorado, Sacramento, Calaveras, Amador, Sonoma, San Joaquin, Napa, Solano, Tuolumne, Mariposa, Tulare and Stanislaus, making, in all, twenty-one counties.

By examining the official vote of the State, given at the last election, we find that the above counties polled, for Governor, which was the highest vote cast for any office, 67,581 votes. If we multiply the number of voters by three, we shall have the actual population of these counties, as near as can be ascertained, without taking the census, which would amount to 202,743 souls.

We have already stated the amount overcharged for freight, to be annually \$414,720, and the amount overcharged for passengers, \$622,080 per annum. We think it fair to say that two-thirds of this tax, derived from passengers, is paid by the counties named, which amounts to exactly the same sum overpaid for freight, viz : \$414,720, which sums, being added together, make \$829,440. Divide this sum by the number of persons in the counties named, (202,743,) and we find the amount of tax paid by each man, woman and child, is four dollars and nine cents per annum. The same amount, divided among the actual voters of these counties would be, for each year, twelve dollars and twenty-seven cents per man. Thus it will be seen that twenty-one counties pay annually a tax, to two corporations, which amounts to \$829,440, or a sum nearly one hundred thousand dollars greater than the yearly revenue of the State.

Besides, the injury resulting to the counties already named by this unnatural state of affairs, is not equally distributed among them. For instance, the mining counties south of Amador, including Calaveras, Tuolumne, Mariposa, and some others, as well as the agricultural counties, San Joaquin, Stanislaus, and others, have been deprived of that portion of the annual immigration to this State, which their geographical position and inexhaustible resources entitle them to ; to this district of country there is no immigrant wagon road across the Sierra Nevada Mountains, and the only way that immigrants from other States can get there, in a direct manner, is by water to the City of Stockton. When immigrants desire to engage in mining, who arrive at San Francisco, they are almost always a little short of money, and if they find that they can go to one portion of the mines much cheaper than they can to another, and that the distance is the same, they will, of course, consult their pecuniary interest, and go to the cheapest place. Thus, on the Stockton route, there has been very little opposition, and prices have ruled unreasonably high—say as high as ten dollars,—whilst on the Sacramento route the prices would be, during opposition, one dollar ; so that almost the only chance with which this district of country has had, to acquire population and wealth from immigration, has been destroyed. It may be seen from the documents which accompany this report, that the California Steam Navigation Company pay taxes on property valued at \$658,450 only, whilst the amount of property they really own, is valued at more than \$2,000,000. The Citizens' Steam Navigation Company pay taxes on only \$65,000 worth of property. From this statement, it appears that corporations pay much less taxes than individuals do, on the property which they own. As special privileges are granted to corporations, we know of no good reason why any discrimination in regard to taxes should be made in their favor. Notwithstanding the enormous prices which have been and are still charged by these corporations, it is a fact, and a fact often used to enlist sympathy in their behalf, that they have made very little money, if any, at the business they are engaged in. This is easily accounted for. Frequently it has happened, that opposition has been started against them, and they were compelled to buy it off, at perhaps ruinous

prices; and in other instances, if common rumor be true, they have paid three per cent. interest per month on vast sums of money, in order to keep off opposition. They own thirty or forty steamers, and do not keep over one-third of them employed; of course it takes a large portion of the profits which accrue from the third in use, to pay the interest on the capital invested on the two-thirds which lie idle. So that in this respect, they may not inaptly be likened to the dog in the manger—they neither make money themselves, nor will they dissolve their companies and allow fair competition, whereby others might make money.

With the exception of the boats owned by the "Citizens' Steam Navigation Company," all of the boats on the Sacramento and its tributaries belong to the California Steam Navigation Company, not including the following five, which do not run, viz: Queen City, Enterprise, Eclipse, Defender, and Anna Abernethy; and some of these are, in the opinion of the committee, hired by the California Steam Navigation Company to lie still.

No doubt these corporations thought to control the carrying trade on all the waters of this State, without opposition. If so, they were, to some extent, deceived, for during the last two years they have, at various times, been fiercely opposed. But such opposition has not lasted long, and by some means or other the combined companies have succeeded in buying up or choking off all their opponents; and we might almost say, that when the steamer Defender was crushed out of the trade, that the last hope of the people for reduced rates and fair prices was crushed out also.

Then, as all hope of relieving the people from the onerous tax imposed upon them by these monster monopolies, by fair and honorable competition, has vanished, it remains to be seen whether the Legislature will make use of the means which the Constitution has placed at its disposal, and say to the corporations, "Thus far shalt thou go and no further."

It is the opinion of the committee that the constitutional power of the Legislature to pass the Acts under consideration, is clear and indisputable. Sufficient precedent is afforded for the Legislature to fix the prices for carrying freight and passengers by incorporated companies, in An Act to provide for the incorporation of Railroad Companies, passed April 22, 1853. Upon reference to that Act, it will be found that section thirty-three reads as follows:

"When any such railroad shall be opened for use, it shall be unlawful for the corporation, its officers or employees, to charge more than twenty cents per mile for each passenger, and sixty cents per mile for each ton of freight."

Another precedent is afforded for the passage of the Acts accompanying this report, in an Act concerning Corporations, passed April 22, 1850.

Section thirty of that Act says, "The Legislature may, at any time, amend or repeal this Act, and dissolve all corporations created under it." But the framers of our Constitution, out of an abundance of caution, and doubtless with a laudable desire to protect the people from the insidious encroachments of corporations such as these, placed the following clause in the organic law, Art. 4, section 31:

"Corporations may be formed under general laws, but shall not be created by special Act except for municipal purposes. All general laws and special Acts passed pursuant to this section, may be altered from time to time, or repealed."

It may be argued that corporations exist by contract with the State, and that the corporations under consideration have acquired vested rights under the law which authorized them to incorporate. If the law under which they incorporated was a part of the contract, so also was the Constitution a part of the con-

tract; for it is from that instrument alone that the Legislature derived the power to enact the law. We find, then, in the Constitution, that all laws passed for the aid of corporations, may be altered from time to time, or repealed, and this language clearly indicates that corporations cannot acquire rights which are beyond legislative control. The language, in this section of the Constitution, is too plain to be misinterpreted. It would be folly to say, that we might alter or repeal the laws on corporations, but that the corporations would still exist, and that we could not interfere with rights which they obtained under those laws, however contrary those rights might be to public policy, or however dangerous to the interests of the State. If this view of the case is not correct, the framers of the Constitution were guilty of placing in that instrument language, which, if not nonsense, is at least mere verbiage, signifying nothing. But those gentlemen were men of learning and ability, and we are well assured that every clause in that sacred instrument was put there for a wise and useful purpose.

It may be urged, that the passage of these Acts would not accomplish the object sought to be obtained; that even though the corporations were dissolved, that they could form a partnership, and that the evils complained of would, in that case, be just as great as at present. We think it is a sufficient answer to say that one partner can easily dissolve the partnership by application to a Court of Chancery, but corporations cannot be dissolved [See Statutes of 1853, pp. 91 and 92,] unless two-thirds of the stockholders vote to disincorporate. But it is not proposed to disincorporate them; it is only desired that freight and passengers should be carried for a reasonable price, and if corporations cannot afford to carry for that, why, let them dissolve and allow fair competition to take their place.

Having shown, Mr. President, that the industry and the commerce of the State are seriously injured by the existence of these great monopolies, and believing, as we do, that the evils complained of may be, to a great extent remedied by the passage of the Acts which accompany this report, we most earnestly recommend them to the favorable consideration of the Senate. By passing them, the Legislature will at least show that they are willing to shield the rights of the people from the silent but destroying approaches of the monopolies already named.

Respectfully,

W. B. NORMAN,  
Chairman.

[DOCUMENT NO. 1.]

SAN FRANCISCO, Feb. 18, 1856.

SIR:

In reply to yours of the 12th, I beg to acquaint you that the State and County Assessor has assessed the California Steam Navigation Company at \$350,000 for the current fiscal year, and at the same amount for the past year.

The Directors have not yet paid this year's taxes. Last year's were duly settled.

Last year's taxes, (exclusive of city,).....	\$5,967 87
This year's taxes .....	5,337 50

The paid in capital of this company is about \$2,000,000. The present mar-



ket price of their stock would be \$500,000, so that the assessment is considered fair.

Respectfully,

JESSE BRUSH,

Dep. State and Co. Tax Collector.

Hon. W. B. NORMAN.

[DOCUMENT NO. 2.]

A list of the Steamboats assessed to the Steam Navigation Company—valuation and amount of taxes due:

	Valuation.	Am't tax due.
Steamer Shasta .....	\$4,000	\$56 00
" American Eagle .....	15,000	210 00
" Clara .....	5,000	70 00
" Marysville .....	4,000	56 00
" Express .....	6,000	84 00
" W. G. Hunt .....	40,000	560 00
" Daniel Moore .....	5,000	70 00
" Gen. Sutter .....	4,000	56 00
" Gazelle .....	5,000	70 00
" Hartford .....	7,000	98 00
" Senator .....	50,000	700 00
" Willamette .....	12,000	168 00
" Pike .....	2,000	28 00
One brig .....	50	70
		<hr/>
		\$2,226 70

STATE OF CALIFORNIA, }  
County of Yolo. }

I hereby certify, that the above is a true list of all the property there has been assessed in Yolo County, to the Steam Navigation Company, and there is now due and unpaid on the same the amount of \$2,226 70, for the year 1856.

Witness,

JAMES A. DOUGLASS,

Ex-Sheriff and Ex Officio Tax Collector for 1855

[DOCUMENT NO. 3.]

California Steam Navigation Company assessed by City Assessor, for the years 1855 and 1856, as follows:

Steamer Cleopatra .....	\$8,000
" Gov. Dana .....	8,000
" Daniel Moore .....	2,500
" Gazelle .....	2,500
Hulk Orb .....	800
" Globe .....	800
" Eliza .....	800



March 17.]

521

Hulk Tecumseh .....	\$800
" Crescent .....	800
	<hr/>
	\$25,000

Same company assessed for the years 1854-5, \$153,000.

All of which remain unsettled, as appears from the records kept in my office.

February 6, 1856.

JOHN T. KNOX,  
Clerk City.

[DOCUMENT NO. 4.]

MARYSVILLE, Feb. 15, 1856.

DEAR SIR:

Your favor of the 6th instant came to hand this day by mail, hence the delay of the answer.

The Citizens Steam Navigation Company were assessed in this city and county for \$65,000 :

They paid me for State .....	\$390
" County .....	910
	<hr/>
	\$1,300

The above statement is taken from the assessment roll and is correct and paid. They have no property laying here in shape of boats, etc. I believe that the Enterprise did lay here some days last summer. The Combination has no property or assessment whatsoever.

Hoping you may get this within a week,

I am, respectfully,

C. N. FELTON.

Hon. W. B. NORMAN.

An Act to amend an Act entitled "An Act to provide for the Formation of Corporations for Certain Purposes," approved April 14, 1853, accompanied Mr. Norman's report ; also, An Act to amend an Act entitled "An Act concerning Corporations," passed April 22, 1850, which, together with the report, was made the special order for Friday next, at 12 o'clock, M.

Mr. Burton presented the following report :

*Mr. President :*

The Nevada Delegation to which was referred An Act concerning the Office of Public Administrator in the County of Nevada, has had the same under consideration and report the same back, with the recommendation that it pass.

E. F. BURTON,  
E. G. WAITE.

On motion of Mr. Burton, the rules were suspended and the bill taken up and considered.

On motion of Mr. Ferguson, the bill was amended by including Sacramento County in its provisions.

On motion of Mr. Burton, the County of Nevada was similarly included.

On motion of Mr. Hawthorne, Placer County was similarly included.

On motion of Mr. McNeill, the County of Amador was similarly included.

On motion of Mr. Burton, the bill was considered engrossed, read a third time and passed.

Mr. Ferguson presented the following report :

*Mr. President :*

The Special Committee to which was referred Senate Bill No. —, entitled An Act to regulate the Fire Department of the City of Sacramento, has had the same under consideration and recommends its passage, with the addition of Section 11.

FERGUSON,  
GOVE.

On motion of Mr. Ferguson, the rules were suspended and the bill taken up for consideration in Committee of the Whole and amended.

After some time so spent, the bill was reported back to the Senate.

On motion of Mr. Ferguson, it was considered engrossed, read a third time and passed.

The following message was received from his Excellency the Governor :

EXECUTIVE DEPARTMENT,  
Sacramento City, March 15th, 1856. }

*To the Senate of California :*

I have this day approved the bill, originating in the Senate, entitled An Act making Appropriations for the Civil Expenses of the Government of this State.

I am, respectfully,  
Your obedient servant,

J. NEELY JOHNSON.

On motion of Mr. Ferguson, Senate Bill No. 128, to provide for the construction of a State Capitol at Sacramento, was ordered to be printed.

Mr. Hawthorne offered the following resolution :

*Resolved*, By the Senate, the Assembly concurring, that the Superintendent of Public Instruction be, and is hereby, instructed to include in the next apportion-

ment of school moneys to the County of Placer, an amount equal to the sum said county would be entitled to under the last apportionment of school moneys, the same as though the returns from said county had been received within the legal time.

HAWTHORNE.

Adopted.

Mr. Fiske gave notice that he would, at an early day, introduce a bill for An Act to admit the testimony (under certain restrictions) of persons ineligible to become citizens, in the Courts of Justice of this State.

The hour for the consideration of the special order having arrived, the Senate took up Senate Judiciary Committee Substitute for Senate Bills Nos. 12 and 23, An Act for the Protection of Actual Settlers and to Quiet Land Titles in this State, and considered the same in Committee of the Whole.

After some time so spent, the committee rose and reported the bill back to the Senate, recommending to the committee to sit again, to-morrow, at 11½ o'clock, A. M.

Upon which recommendation the ayes and noes were demanded by Messrs. French, Heintzelman and Ferguson, with the following result :

AYES.

Messrs. Burton, Cosby, Crandall, De la Guerra, Dosh, Fiske, Flint, Lippincott, Mandeville, McNeill, Shaw and Wilson—12.

NOES.

Messrs. Burnett, Bynum, Ferguson, French, Gove, Heintzelman, Hook, McCallum, McCoun, McGee, Norman and Westmoreland—12.

So the motion was lost, and the Senate refused to consider the bill again in Committee of the Whole.

Mr. Heintzelman moved to concur in the amendments, so far as made in Committee of the Whole.

Agreed to.

On motion of Mr. McCallum, Section 12 was stricken from the bill.

Mr. McCoun offered the following substitute for Section 12 :

SECTION 12. No person or persons shall claim the benefits of this Act for any improvements made on private lands, after the confirmation of such lands by the Board of United States Land Commissioners, or the United States Courts.

Mr. Ferguson offered the following amendment to the substitute :

"Where the occupant, or those under whom he claims, obtained possession of the land after such confirmation."

Upon the adoption of the substitute as amended, the ayes and noes were demanded by Messrs. Shaw, French and Fiske, with the following result :

## AYES.

Messrs. Burnett, Burton, Bynum, Day, De la Guerra, Dosh, Ferguson, Fiske, French, Gove, Hawthorne, Heintzelman, Hook, Mandeville, McCallum, McGee, McNeill, Scellen, Waite, Westmoreland and Wilson—21.

## NOES.

Messrs. Cosby and Shaw—2.

So the substitute as amended was adopted.

Mr. Ferguson moved that the bill be ordered engrossed for a third reading tomorrow.

Mr. Waite offered the following amendment to the bill, to be numbered Section 13 :

SECTION 13. Nothing in this Act shall be construed so as to affect rights acquired under the Mexican Government, guarantied by the treaty exchanged at Querétaro, and confirmed, or which shall hereafter be confirmed, by the proper courts of the United States.

On the question of adopting the section, the ayes and noes were demanded by Messrs. Heintzelman, Burton and Wilson, with the following result :

## AYES.

Messrs. Burton, Cosby, Day, De la Guerra, Fiske, Lippincott, McNeill, Waite and Wilson—9.

## NOES.

Messrs. Burnett, Bynum, Crandall, Dosh, Ferguson, French, Gove, Hawthorne, Heintzelman, Hook, Mandeville, McCallum, McCoun, McGee, Norman, Scellen, Shaw and Westmoreland—18.

So the section was rejected.

Mr. Day moved to amend the first section of the bill by inserting, after the word "government," the words "of Spain, of Mexico, or of the United States."

Lost.

Mr. Shaw moved to strike out the first section of the bill.



Upon which the ayes and noes were demanded by Messrs. Shaw, Gove and Fiske, with the following result :

AYES.

Messrs. Day, Fiske, Lippincott, Shaw and Wilson—5.

NOES.

Messrs. Burnett, Bynum, Cosby, Crandall, Dosh, Ferguson, Flint, French, Gove, Heintzelman, Mandeville, McCallum, McCoun, McGee, McNeill, Norman and Westmoreland—17.

So the Senate refused to strike the section out.

Mr. Day moved to amend the third section of the bill by inserting at its conclusion the following :

“ Unless such patent shall have been issued in confirmation of a previously existing title granted by the Government of Spain or of Mexico.”

The ayes and noes were demanded by Messrs. Shaw, Fiske and Day, with the following result :

AYES.

Messrs. Burton, Cosby, Day, De la Guerra, Dosh, Fiske, Lippincott, McNeill, Waite and Wilson—10.

NOES.

Messrs. Burnett, Bynum, Crandall, Ferguson, Flint, French, Gove, Hawthorne, Heintzelman, Hook, Mandeville, McCallum, McCoun, McGee, Norman, Shaw and Westmoreland—17.

So the amendment was rejected.

Mr. Shaw moved to strike out the fourth, fifth and sixth sections of the bill, and insert the following :

SECTION 4. In every action for the recovery of real property, the plaintiff may, in his complaint, offer to accept from the defendant the value of the land, estimated by reference to its condition and actual cash value, at the time the defendant or his ancestor, predecessor or grantor, entered upon or took possession thereof ; and in such case, the value of the premises so estimated, shall be ascertained and assessed by the jury, at the same time they assess the value of the improvements ; and if the plaintiff do recover in the action, then the defendant, his heirs, executors, administrators or assigns, shall pay or cause to be paid or secured to the plaintiff, his heirs or assigns, within twelve months after the final rendition of the judgment, the said fixed value of the premises in question ; otherwise the plaintiff shall, after the expiration of the twelve months, be entitled to have his writ of possession, without paying anything for any improvement on the premises ; but he shall not be entitled thereto until the expiration

of the period herein limited ; and upon paying the said appraised value, the defendant, his heirs or assigns, shall be deemed and held to be the owners of the premises in fee simple absolute, and the court may order the plaintiff to execute a deed conveying his interest therein, and that the judgment be canceled.

SEC. 5. In every case where a recovery of real property shall be sought against a party establishing an actual possession, acquired peaceably and without fraud, and held and continued for one year or upward before the commencement of the action, in opposition to the right set up by the plaintiff, and with his knowledge or the knowledge of those under whom he claims, and after his right to sue has accrued, a recovery can only be allowed subject to the precedent condition of paying such possessor for all improvements made upon the land by him, or those under whom he claims and holds, according to the value thereof at the commencement of the suit, to be ascertained by reference to the purpose for which the improvements were made ; and of paying, also, all taxes and assessments paid thereon by such possessor, or his ancestor, predecessor or grantor ; and in every case as aforesaid, the courts of this State are prohibited from allowing or permitting a recovery of the real property in question, or of the possession thereof, to be had, until the precedent condition aforesaid shall have been fully complied with.

Pending the vote on the amendment offered by Mr. Shaw—

On motion of Mr. Burnett, the bill was laid upon the table.

The following message was received from the Assembly :

*Mr. President :*

I am directed to inform the Senate that the Assembly, on Saturday, 15th instant, receded from the amendment by which the word "city" was added to the Senate Substitute for Assembly Concurrent Resolutions relative to the establishment of a U. S. Mail Route between the Cities of San Francisco, Humboldt Bay, Crescent and Trinidad ; also,

Amended and passed Senate Bill No. 77, entitled An Act extending the Time for Presentation and Allowance of Claims against the Estate of S. A. Booke, deceased, in the County of Sonoma.

Respectfully submitted,

ALEX. M. HAYDEN,  
Assistant Clerk of Assembly.

Mr. Burnett moved to take up Senate Bill No. 82 for An Act amendatory of, and supplementary to, "An Act to Incorporate the City of Marysville," approved March 5th, 1855.

Agreed to.

On motion of Mr. Burnett, the amendment made to the bill by the Assembly was concurred in.

On motion of Mr. Heintzelman, Senate Substitute Bill in relation to Quieting Land Titles, was resumed.

The question recurring on Mr. Shaw's amendment, to strike out and amend Sections 4th, 5th and 6th of the bill—

The ayes and noes were demanded by Messrs. Crandall, French and Shaw, with the following result :

AYES.

Mr. Shaw—1.

NOES.

Messrs. Burnett, Burton, Bynum, Cosby, Crandall, De la Guerra, Dosh, Ferguson, Flint, French, Gove, Hawthorne, Heintzelman, Hook, Mandeville, McCallum, McCoun, McGee, Norman, Scellen and Wilson—21.

So the Senate refused to strike out and insert.

Mr. Shaw moved to amend the 5th section of the bill, line 11th, by inserting after the word "improvements," the words "to be ascertained by reference to the object for which they were made."

Upon which the ayes and noes were demanded by Messrs. Shaw, French and De la Guerra, with the following result :

AYES.

Messrs. Burton, Day, De la Guerra, Fiske, Lippincott, McNeill, Shaw and Wilson—8.

NOES.

Messrs. Burnett, Bynum, Cosby, Ferguson, French, Gove, Hawthorne, Heintzelman, Hook, Mandeville, McCoun, McGee, Norman, Scellen and Westmoreland—15.

So the Senate refused to adopt the amendment.

Mr. Shaw moved to amend the Bill by inserting the following, to be numbered consecutively from Section 13 to Section 17, inclusive:

"Sec. 13. Every agreement to sell, purchase, or convey, and every sale, purchase, conveyance, mortgage, lease, gift, or other alienation, or agreement to alienate whatever, except by descent or last will, of any land or tenement, or of any right or title, or any pretended right or title, to any lands or tenements within the boundaries of any city or town in this State, shall be deemed and adjudged to be champertous and fraudulent, and be and remain forever null and void, unless the person making the same is at the time, and himself or his ancestor, predecessor, or grantor, shall have been and continued for at least one year previously thereto in the actual possession of the land conveyed, or sought to be conveyed, or in anywise affected thereby.

Sec. 14. Every agreement to sell, purchase, or convey, and every sale, conveyance, or alienation, in the preceding section mentioned, except only as is

therein excepted, of any lands, or tenements, or of any right, or title, or of any pretended right or title, to any lands or tenements, which are at the time of making the same, and shall have been, and continued for at least one year next previously thereto, in the actual possession or occupation of any person claiming and holding the same in his own right, independently of, and in opposition to, the right or title, or pretended right or title, so sold, or agreed to be sold, conveyed, or alienated, shall be deemed champertous and fraudulent, so far as the same may or shall in anywise include, apply to, or affect any lands so held and occupied, or possessed, and shall so far be, and forever remain, absolutely null and void.

SEC. 15. Nothing in this Act shall be construed to prevent any person who is and shall have been, and continued for one year or more, in the actual possession or occupation of any lands or tenements, from purchasing or receiving, or any other person from making to, or with, such possessor or occupant, any conveyance, or agreement to convey, any outstanding right or title, or pretended right or title, to the lands or tenements so actually possessed or occupied by the person receiving, or to receive the same.

SEC. 16. Every alienation, conveyance, purchase, or acquisition, and every agreement therefor, made directly or indirectly, to or by, with or through, any tenant or agent, of, or for, any right or title, or pretended right or title, to any real property in his possession or under his control or management as tenant or agent, at the time of making the same, or within one year previously thereto, shall be presumed and held to have been made and concluded for the sole and only use and benefit of the landlord or principal, as the case may be, and his heirs and assigns; and no evidence shall be admissible to controvert such presumption, or to prove or construe any such conveyance or agreement as aforesaid, in any way or manner whatever, in favor of such tenant or agent, or his heirs or assigns.

SEC. 17. No action, for the recovery of real property, shall be maintained against any person establishing an actual possession or occupation of the premises in question, held in opposition to such title, for five years or upward, after the right to bring such action has accrued; and establishing any outstanding title to real property shall not, in any case, be sufficient of itself to prove or raise a presumption that the actual possessor or occupant thereof, holding in his own right and under claim of ownership, has at any time held the same under or in subordination to such title, nor shall any evidence be sufficient to establish such proof or raise such presumption, except the same be in writing, and signed by the party to be charged thereby.

On the question of adopting the amendment, the ayes and noes were demanded by Messrs. Shaw, Westmoreland and Ferguson, with the following result :

AYES.

Messrs. Fiske and Shaw—2.

NOES.

Messrs. Burnett, Burton, Bynum, Crandall, Day, De la Guerra, Ferguson, Flint, French, Gove, Hawthorne, Heintzelman, Hook, Lippincott, Mandeville, McCallum, McCoun, McNeill, Norman, Scellen, Westmoreland and Wilson—22.

So the amendment was rejected.



Mr. Shaw offered the following amendment as Section 13 to the bill :

SECTION 13. No partnership or association of individuals, incorporated or unincorporated, formed or existing in any foreign country or other State, for the purpose of purchasing or dealing in lands, or in any title or titles, or any pretended title or titles, to any lands in this State, shall ever be recognized, proved or admitted in evidence in any court in this State for any purpose ; nor shall any trust or conveyance made by, to or for the benefit of any such partnership or association, ever be executed or recognized in this State. And every such partnership and association, whether formed in this State, or in any other State or foreign country, shall be regarded as immoral and against public policy.

On the question of adopting the amendment, the ayes and noes were demanded by Messrs. Shaw, French and Westmoreland, with the following result :

AYES.

Messrs. De la Guerra, Fiske, McNeill and Shaw—4.

NOES.

Messrs. Burnett, Burton, Bynum, Day, Ferguson, Flint, French, Gove, Hawthorne, Heintzelman, Hook, Mandeville, McCoun, McGee, Norman, Scellen and Westmoreland—17.

So the amendment was rejected.

Mr. Shaw offered the following as Section 13 to the bill.

SECTION 13. The Act entitled "An Act to amend an Act defining the Time for commencing Civil Actions," passed April 11th, A. D. 1855, is hereby repealed, but in the computation of time wherein actions were to have been commenced under the provisions of the Act of April 22d, A. D. 1850, first above recited, the same shall be computed as though the Act of April 11th, A. D. 1855, last above recited, had taken up and suspended the same until the passage of this Act.

Upon which the ayes and noes were demanded by Messrs. French, Shaw and Burton, with the following result :

AYES.

Mr. Shaw—1.

NOES.

Messrs. Burnett, Burton, Bynum, Day, De la Guerra, Dosh, Ferguson, Fiske, Flint, French, Gove, Hawthorne, Heintzelman, Hook, Lippincott, Mandeville, McCallum, Norman, Scellen, Westmoreland and Wilson—22.

So the amendment was rejected.

Mr. Shaw offered the following amendment to the bill as Section 13 :

SECTION 13. Persons claiming the same premises as joint tenants in common, or copartners, may all join, or any two or more of them may join, in a suit for the recovery thereof, or any one may sue alone for his particular share.

Lost.

Mr. Shaw offered the following amendment to the bill as Section 13 :

SECTION 13. No action for the recovery of real property shall ever be maintained against more than one defendant, where more than one is in the separate and distinct possession of the premises claimed, but in every case the action shall be brought separately against each distinct person, or number of persons, claiming and holding separately and being separately in possession ; and the provisions of this section shall be enforced in every suit now pending as well as in those hereafter commenced.

Upon which the ayes and noes were demanded by Messrs. De la Guerra, Wilson and Shaw, with the following result :

AYES.

Messrs. Bynum, McGee and Shaw—3.

NOES.

Messrs. Burnett, Burton, Cosby, De la Guerra, Dosh, Fiske, Flint, French, Gove, Hawthorne, Heintzelman, Hook, Mandeville, McCoun, Norman, Scellen, Westmoreland and Wilson—18.

So the amendment was rejected.

Mr. Shaw offered the following as Section 13 to the bill :

SECTION 13. In every action for the recovery of real property brought against the party in possession, if the defendant so in possession shall admit in his answer, made under oath, that he is in the actual possession, and claims ownership to the land in the recovery of which the action is brought, and shall declare some other person or persons, besides the plaintiff, claims title to the premises in question, it shall be the duty of the court to grant an order to bring in all persons as parties defendant, known and unknown, which order shall be published in a newspaper, as required by law, in case of defendant's absence from the State, and for the same length of time, or for any period in the discretion of the court, not less than three nor more than nine months. And judgment, in case of default, shall be taken against all persons named in the order of the court, or in the next preceding section mentioned, who shall, by their answer, disclaim any ownership to the premises in question, but without any costs against them, and the judgment rendered in such action shall be final and conclusive as to title against all persons whosoever, known and unknown.

Lost.

Mr. McCallum moved to amend the fourth section of the bill by adding at its conclusion the following :

"Fifth. The value of the use and occupation of such land, from the time when the patent issued, or when the title to the same may have been confirmed by the Land Commissioners or any competent court, and actually used and occupied by the defendant or his predecessors, for whose improvements he claims the value."

Mr. Ferguson moved to strike out all after the words "patent issued," in the third line.

Upon which the ayes and noes were demanded by Messrs. Ferguson, Heintzelman and Gove, with the following result :

AYES.

Messrs. Burnett, Crandall, Ferguson, Gove, Hawthorne, Heintzelman, Hook, McCoun, McGee, Scellen, Shaw and Westmoreland—13.

NOES.

Messrs. Burton, Day, De la Guerra, Dosh, Fiske, Flint, French, Lippincott, McCallum, McNeill, Norman and Wilson—12.

So the amendment prevailed.

Mr. De la Guerra moved to strike out the words "patent issued," in the third line of the amendment just adopted, and insert the words "settlers settled on the lands."

The ayes and noes were demanded by Messrs. Burton, French and De la Guerra, with the following result :

AYES.

Messrs. Burton, Coffroth, Day, De la Guerra, Fiske, Flint, Lippincott, Mandeville, McNeill, Norman and Wilson—11.

NOES.

Messrs. Burnett, Cosby, Dosh, Ferguson, French, Gove, Hawthorne, Heintzelman, Hook, McCallum, McCoun, McGee, Scellen, Shaw and Westmoreland—16.

So the amendment was lost.

Mr. Ferguson moved to amend the amendment previously offered by Mr. McCallum, by inserting in the 10th line of Section 5th, after the word "jury," the words "also the amount of the rents and profits as assessed by virtue of the preceding section."

Agreed to.

Mr. Shaw moved that the bill be made the special order for to-morrow, at half-past 11 o'clock, A. M.

Lost.

The question recurring on Mr. Ferguson's motion to order the bill to an engrossment for a third reading to-morrow, it prevailed.

On motion, the Senate adjourned.

---

IN SENATE.

TUESDAY, March 18th, 1856.

Senate met pursuant to adjournment.

Lieutenant-Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of yesterday read and approved.

The President announced Senators Ashley, Wilson and Shaw, the Select Committee on the part of the Senate, to make a selection of laws to be translated by the State Translator, into Spanish.

Mr. Flint, presented a memorial for the relief of Selim E. Woodworth, which was referred to the Committee on Claims.

Mr. Hawks presented a petition for the relief of Mr. Barry, which was referred to the Committee on Claims.

Mr. Burton presented the following report :

*Mr. President :*

The Committee on Enrolled Bills have found correctly enrolled, An Act entitled "An Act amendatory of and supplementary to the Act to Incorporate the city of Marysville," approved March 5th, 1855 ; also Senate resolution in relation to the school moneys of Santa Barbara County.

E. F. BURTON.

Leave being granted, Mr. Hook introduced a bill for An Act amendatory of and supplementary to "An Act to provide for the survey and construction of a



Wagon Road over the Sierra Nevada Mountains," and to submit the same to a vote of the people, which was read first and second times, and referred to the Committee on Internal Improvements.

Leave being granted, Mr. Bynum introduced a bill for An Act to establish Pilots and Pilot regulations for the Port and Harbor of Benicia and Marc Island, which was read first and second times and referred to the Committee on Commerce and Navigation.

Mr. Fiske presented the following report :

*Mr. President :*

The Committee on Internal Improvements, to which was referred Senate Bill, No. 123, "An Act to provide for the survey and construction of Immigrant Wagon Roads across the Sierra Nevada Mountains, would respectfully report the same back to the Senate, with amendments, and recommends its passage.

HENRY M. FISKE.

The bill was placed on the calendar.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills have examined Senate Bill 109, An Act amendatory of and supplementary to "An Act concerning the Organization of the Militia," passed April 25, 1855, and find the same correctly engrossed.

McCALLUM,  
Chairman.

Mr. Norman gave notice that he would at an early day introduce An Act to exempt Mining Claims from sale under any execution or writ, issued on account of debt incurred under contract.

The hour for the special order having arrived, the Senate took up Senate Bill No. 63, for An Act to grant the right of way for a Railway and Wagon Road across the waters of the Bay of San Francisco, to certain persons therein named, which was considered in Committee of the Whole. After some time spent, the Committee rose and reported the bill back to the Senate.

On motion of Mr. Hawks, the bill was laid upon the table.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills has examined Senate Bill "An Act for the protection of actual settlers, and to quiet land titles in this State," and finds the same correctly engrossed.

J. G. McCALLUM,  
Chairman.

The second special order was taken up, being Senate Bill No. 98, to abolish the office of Harbor Master, at San Francisco, and to provide for the appointment of two Dock Masters.

Mr. Mandeville to indefinitely postpone the bill.

Mr. McCallum demanded a call of the Senate, which was sustained.

The roll was called and the following Senators found to be absent without leave : Messrs. Coffroth, Hook, Hawthorne and Waite.

On motion of Mr. Mandeville, further proceedings under the call were dispensed with.

Mr. Ferguson moved to make the bill the special order for Friday next, at 12 o'clock, M., upon which the ayes and noes were demanded by Messrs. French Scellen and Mandeville, with the following result :

AYES.

Messrs. Burnett, Bynum, Cosby, Ferguson, Hawks, McCallum, McCoun, McGee, Scellen, Waite, Westmoreland and Wilson—12.

NOES.

Messrs. Burton, Crandall, Day, De la Guerra, Dosh, Flint, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw and Tilford—17.

So the motion was lost.

Mr. McCoun moved to make the bill the special order for to-morrow, at 12 o'clock, M.

Mr. Mandeville demanded the previous question.

Lost.

The question recurring on the motion to make the bill the special order for to-morrow, it was lost.

The question next recurring upon the motion of Mr. Mandeville to indefinitely postpone the bill, upon which the ayes and noes were demanded by Messrs. Scellen, McCoun and McGee, with the following result :

AYES.

Messrs. Crandall, Day, De la Guerra, Dosh, Flint, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw and Tilford—16.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Ferguson, Hawks, McCallum, McCoun, McGee, Scellen, Waite, Westmoreland and Wilson—14.

So the motion prevailed and the bill was indefinitely postponed.

Mr. Shaw moved to re-consider the vote.

Mr. Mandeville moved to indefinitely postpone the motion to re-consider.

Mr. Burton moved to lay the motion to indefinitely postpone the motion to reconsider, on the table.

Lost.

On the motion to indefinitely postpone the motion to reconsider, the ayes and noes were demanded with the following result :

AYES.

Messrs. Crandall, Day, De la Guerra, Dosh, Flint, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, Tilford and Wilson—17.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Ferguson, Hawks, McCallum, McCoun, McGee, Scellen, Waite and Westmoreland—13.

So the motion prevailed, and the motion to reconsider was indefinitely postponed.

Mr. Norman moved that the special committee appointed to consider the executive message, appointing Alexander G. Abell, Commissioner of Immigrants, be required to return to the Senate the papers in their possession, on the subject.

The papers were returned accordingly, and the committee discharged.

Mr. Scellen presented the following report :

*Mr. President :*

The special committee to which was referred Senate Bill No. 125, An Act to fund the debt of Sierra County, and to provide for the same, would beg leave to report the same back and recommends its passage.

The bill was taken up, on motion considered engrossed, read a third time and passed.

The following message was received from the Assembly :

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed Assembly Bill No. 2, for An Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof.

Respectfully submitted,

A. M. HAYDEN,  
Assistant Clerk Assembly.

The bill was taken up, read first and second times, and referred to the San Francisco delegation.

The following message was received from the Assembly :

*Mr. President :*

I am directed to inform the Senate that the Assembly on yesterday, 17th inst., passed

Substitute for Assembly Bill No. 202, entitled An Act amendatory of An Act entitled "An Act dividing the State into Counties, and establishing the Seats of Justice therein," passed April 5th, 1851; also,

On same day passed substitute for Assembly Bill, No. 69, entitled An Act to amend an Act entitled "An Act to create a Board of Supervisors in the counties of this State, and define their duties and powers," passed March 20th, 1855, and

On same day, passed Assembly Bill No. 86, entitled An act to fund the debt of the County of Napa, and provide for the payment of the same.

Respectfully submitted,

ALEX. M. HAYDEN,  
Assistant Clerk of Assembly.

Substitute for Assembly Bill No. 202, was read a first and second times and referred to the Committee on Counties and County Boundaries.

Assembly substitute bill No. 69 was read a first and second times and referred to the Judiciary Committee.

Assembly Bill No. 86, was read a first and second times, and referred to the Judiciary Committee.

The following message was received from the Assembly :

*Mr. President :*

I am directed to inform the Senate that the Assembly on Saturday, 15th inst. receded from the amendment by which the word "City" was added to the Senate Substitute for Assembly Concurrent Resolution relative to the establishment of a U. S. Mail Route between the Cities of San Francisco, Humboldt Bay, Crescent and Trinidad.



Also, amended and passed Senate Bill No. 77, entitled An Act extending the Time for Presentation and Allowance of Claims against the Estate of S. A. Booke, deceased, in the County of Sonoma.

Very respectfully,

A. M. HAYDEN,  
Assistant Clerk of Assembly.

The following message was received from the Assembly :

*Mr. President :*

I am directed to inform the Senate that the Assembly this day passed Senate Bill No. 111 for An Act to regulate the Fire Department of the City of Sacramento ; also,

Amended and passed Bill No. 82, An Act amendatory of, and supplementary to, "An Act to Incorporate the City of Marysville," approved March 5, 1855 ; also,

Passed the following Concurrent Resolution relative to the appointment of Mr. A. Thompson as District Attorney of the United States for the Northern District of this State.

Very respectfully,

ALEX. M. HAYDEN,  
Assistant Clerk of Assembly.

The following concurrent resolution was read :

WHEREAS, we have learned that Mr. A. Thompson, one of the late Board of United States Land Commissioners, has made application to the President for the appointment of District Attorney of the United States, for the Northern District of this State ; and, *whereas*, the said A. Thompson was one of the Board of United States Land Commissioners, and in that capacity decided upon many of the most important of the land claims in this State, and is therefore believed to be incapable of acting in an impartial manner between the Government and the claimants of lands, and that the interests of the United States in his hands will not be properly protected. Therefore,

*Resolved*, By the Assembly, the Senate concurring, that in our opinion the appointment of the said Thompson to the post of United States District Attorney in this State would be in derogation of the rights and interests of this State and of the United States, and contrary to the true policy of the Government.

Mr. Westmoreland moved that the resolution be indefinitely postponed.

The ayes and noes were demanded by Messrs. Norman, Tilford and Rust, with the following result :

AYES.

Messrs. Ashley, Burton, De la Guerra, Dosh, Ferguson, Fiske, French, Gove, Hawks, Hook, Lippincott, McCallum, McCouu, McNeill, Waite and Westmoreland—16.

## NOES.

Messrs. Burnett, Bynum, Crandall, Flint, Heintzelman, McGee, Norman and Scellen—8.

So the motion prevailed, and the resolution was indefinitely postponed.

The Senate took up the Executive Message of the 29th of February last, appointing Alex. G. Abell, Commissioner of Immigrants.

Mr. Burton moved that the nomination be confirmed.

The roll of the Senate was called on the motion to confirm the nomination, with the following result :

## AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Crandall, Day, De la Guerra, Dosh, Ferguson, Fiske, Flint, French, Gove, Hawks, Heintzelman, McCallum, McCoun, McGee, McNeill, Norman, Rust, Scellen, Tilford, Waite and Westmoreland—26.

## NOES.

None.

So the nomination was unanimously confirmed.

Mr. Hawks gave notice that he would, at an early day, introduce a bill for the relief of R. G. Crozier ; also,

A bill for An Act for the Relief of Daniel Aldrich and others.

Mr. Norman moved to reconsider the vote by which the Judiciary Committee Substitute, entitled An Act for the Protection of Actual Settlers and to Quiet Land Titles in this State, was ordered to be engrossed for a third reading.

The ayes and noes were demanded by Messrs. Ferguson, Heintzelman and Hawks, with the following result :

## AYES.

Messrs. Ashley, Burton, Cosby, Crandall, Day, De la Guerra, Fiske, Flint, French, Lippincott, McNeill, Norman, Rust, Shaw and Waite—15.

## NOES.

Messrs. Burnett, Bynum, Dosh, Ferguson, Gove, Hawks, Hawthorne, Heintzelman, Hook, McCallum, McCoun, McGee, Scellen and Westmoreland—16.

So the motion prevailed.

On motion of Mr. Shaw, the bill was made the special order for to-morrow, at 12 o'clock, M.

Mr. Dosh moved to adjourn.

The ayes and noes were demanded by Messrs. Fiske, Flint and Day, with the following result :

## AYES.

Messrs. Cosby, Crandall, Dosh, Ferguson, Gove, Hawks, Hawthorne, McCoun, McGee, Scellen and Westmoreland—12.

## NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Day, De la Guerra, Fiske, Flint, French, Hook, McCallum, McNeill, Norman, Rust, Shaw and Tilford—16.

So the motion was lost.

On motion of Mr. Fiske, the Senate took from the table Senate Bill No. 11, An Act to amend "An Act to provide for the Protection of Foreigners and Define their Liabilities and Privileges," passed March 30th, 1853.

On motion of Mr. McCallum, the bill was made the special order for Friday next at 11 o'clock, A. M.

Leave being granted, Mr. Ferguson introduced a bill for An Act amendatory of an Act entitled "An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State," passed April 29, 1855, which was read a first and second times and referred to the Judiciary Committee.

On motion of Mr. Hawks, Assembly Bill No. 2, to Consolidate the City and County Governments of San Francisco, was ordered to be printed.

Mr. Burnett presented the following report :

*Mr. President :*

The Committee on Public Lands, to which was referred Assembly Bill No. 54, entitled An Act to authorize David Gherkey and others to build a Wharf at Santa Cruz, would respectfully report the same back to the Senate, and recommend its passage with the following amendment, viz :

In the third section, line third, after the word "parties," insert the words "For the term of fifty years."

W. C. BURNETT,  
Chairman.

The Bill was placed on the Calendar.

On motion, the Senate adjourned.

## IN SENATE.

WEDNESDAY, March 19th, 1856.

Senate met pursuant to adjournment.

Mr. Ashley, President *pro tem.* in the chair.

Prayer by Rev. Mr. Pratt.

Journal of yesterday read and approved.

Leave being granted, Mr. McCoun changed his vote to the negative, on the question taken the day previous to indefinitely postpone the bill for An Act to Abolish the Office of Harbor-Master at San Francisco and to Provide for the appointment of two Dock-Masters.

Mr. Coffroth presented the account of Doctors H. and W. P. Gibbons, for \$3,250, for keeping and providing for the patients in the State Hospital during the month of April, 1855.

Referred to the Committee on Claims.

Mr. Hawthorne presented a petition numerously signed by citizens of Placer County, asking the passage of some law for a better observance of the Christian Sabbath.

Referred to the Committee on Public Morals and Police.

According to previous notice, Mr. Burton introduced a bill for An Act concerning the Transportation of Prisoners to the State Prison and to Appropriate Money for the same, which was read a first and second times and referred to the Committee on Finance.

Leave being granted, Mr. De la Guerra introduced a bill for the relief of David Frank Newson, which was read a first and second times and referred to Senator De la Guerra.

Mr. Crandall gave notice that he would introduce a bill concerning Roads and Highways in Amador County.

Mr. Bynum gave notice that he would, on to-morrow, introduce a bill for an Act entitled An Act fixing the Times of holding the Court of Sessions, County Court and the Probate Court, in and for the County of Solano.

Mr. Burton presented the following report :

*Mr. President :*

Your Committee on Enrollment presented to the Governor on yesterday, An Act amendatory of, and supplementary to, "An Act to Incorporate the City of Marysville," approved March 5th, 1855.

E. F. BURTON.

Mr. McCallum presented the following report :



*Mr. President :*

The Committee on Federal Relations to which was referred Senate Bill No. 119, entitled An Act fixing the Times at which Representatives to Congress shall be Elected, has had the same under consideration, and unanimously recommends the same to the favorable consideration of the Senate.

J. G. McCALLUM,  
E. F. BURTON,  
A. McNEILL.

The bill was placed on the Calendar.

Mr. Norman presented the following report :

*Mr. President :*

The Committee to which was referred Assembly Bill No. 32, entitled An Act to change the Name of Lewis Schletchway to that of Lewis Robinson, has had the same under consideration, and begs leave to report the same back and recommends its passage.

W. B. NORMAN.

On motion of Mr. Norman, the bill was read a third time and passed.

Mr. Flint presented the following report :

*Mr. President :*

Your Committee on Commerce and Navigation has examined Assembly Bill No. 55, An Act authorizing Davis & Jordan to construct a Wharf in Santa Cruz, and begs leave to report it back without amendment and recommends its passage.

WILSON FLINT,  
Chairman.

The bill was placed on the Calendar.

Mr. Flint presented the following report :

*Mr. President :*

Your Committee on Contingent Expenses has examined the bill of W. T. Ferguson, for services as Sergeant-at-Arms to State Prison Committee, and begs leave to report a resolution providing for his payment and recommend its passage.

WILSON FLINT.

Mr. Flint presented the following report :

*Mr. President :*

Your Committee on Contingent Expenses has examined the bill of Baker & Swinerton for stove and fixtures for Senate Chamber, and begs leave to report a resolution for their payment, and recommends its passage.

WILSON FLINT.

The following resolution accompanied Mr. Flint's reports :

*Resolved*, That the Controller of State is hereby authorized to draw his warrant on the Treasurer in favor of Baker & Swinerton, for \$132 60, and in favor

of W. T. Ferguson for \$266 00, and the same shall be paid out of the Contingent Fund of the Senate.

Mr. McCallum moved to strike out so much of the resolution as related to the account of W. T. Ferguson.

Lost.

The resolution was then adopted as reported by the Committee on Contingent Expenses.

Mr. Burton presented the following report :

*Mr. President :*

Your Committee on Enrollment has examined Concurrent Resolution in relation to the establishment of a tri-weekly mail service between the City of San Francisco and the Town of Petaluma and from the Town of Petaluma to Russian River, and finds the same to be correctly enrolled.

E. F. BURTON.

Mr. Tilford presented the following report :

*Mr. President :*

Your Committee on Enrollment has examined Joint Resolution in regard to the establishment of a daily line of mail communication between Shasta City, of this State, and Marysville, Oregon Territory, and finds the same correctly enrolled.

F. TILFORD,  
Chairman.

Mr. Rust gave notice that on to-morrow he would introduce a bill to permit suits to be instituted and maintained against this State.

Senate Bill No. 109, An Act amendatory of, and supplementary to, "An Act concerning the Organization of the Militia," passed April 25th, 1855, came up on its third reading.

Mr. French moved a call of the Senate.

On motion of Mr. Burton, four days' leave of absence were granted to Mr. Mandeville.

On motion of Mr. Hook, leave of absence for one day was granted to Mr. Gove.

The question recurring on the motion for a call of the Senate, it was lost.

Mr. Shaw moved to recommit the bill to the Committee on Military Affairs, with instructions to strike out the 8th Section.

Lost.

On the final passage of the bill, the ayes and noes were demanded by Messrs. French, Shaw and Norman, with the following result :

AYES.

Messrs. Burnett, Burton, Bynum, Coffroth, Cosby, Crandall, Dosh, Ferguson, Flint, French, Hawks, Lippincott, McCoun, Rust, Scellen, Tilford and Wilson—17.

## NOES.

Messrs. Ashley, Day, De la Guerra, Fiske, Hawthorne, Heintzelman, Hook, McCallum, McGee, McNeill, Norman, Shaw, Waite and Westmoreland—14.

So the bill passed.

Mr. French gave notice that on to-morrow he would move a reconsideration of the vote just taken.

Mr. Hook presented certain accounts relating to the Indian War Debt, which, On motion of Mr. Hook, was referred to a Special Committee, appointed by the Chair, consisting of Messrs. Hook, Cosby, Dosh, Fiske and Rust.

The hour for the consideration of the Special Order having arrived, Senate Judiciary Committee Substitute Bill was taken up, entitled An Act for the Protection of Actual Settlers, and to Quiet Land Titles in this State.

Mr. Ashley offered the following amendment to the bill, as Section 13 :

SECTION 13. The provisions of this Act shall not apply to the lands of the State lying below tide water mark ; nor shall any person who has entered upon land of another, through actual force or fraud, or who has entered upon inclosed land claimed by another under the Governments of Spain or Mexico, be entitled to the benefit of the provisions of this Act ; nor shall the provisions of this Act apply to actions between landholder and tenant, when there is an express contract of writing or lease.

Adopted.

On motion of Mr. Shaw, the word "express" was stricken from the amendment just adopted.

Mr. De la Guerra offered the following amendment as Section 14, to the bill :

SECTION 14. The provisions of this Act shall in no way apply to lands which have been assessed for taxation in the year 1851, as the land of those who claimed under Spanish or Mexican grants, and on which the taxes have been paid in the year 1851, and on each subsequent year, and which has been settled upon since the time of the assessment and payment of the taxes as aforesaid.

On the question of adopting the amendment, the ayes and noes were demanded by Messrs. Burton, Heintzelman and Scellen, with the following result :

## AYES.

Messrs. Ashley, Burton, Coffroth, Cosby, Day, De la Guerra, Dosh, Flint, Hawthorne, McCallum, McNeill, Norman, Waite and Wilson—14.

## NOES.

Messrs. Burnett, Bynum, Crandall, Ferguson, French, Hawks, Heintzelman, Hook, McCoun, McGee, Scellen, Shaw and Westmoreland—13.

So the amendment was adopted.

Mr. McCallum moved to reconsider the vote just taken.

Upon which the ayes and noes were demanded by Messrs. McCoun, Heintzelman and Ferguson, with the following result :

AYES.

Messrs. Burnett, Bynum, Crandall, Ferguson, French, Hawks, Heintzelman, Hook, McCallum, McCoun, McGee, Scellen, Shaw and Westmoreland—14.

NOES.

Messrs. Ashley, Burton, Coffroth, Cosby, De la Guerra, Dosh, Flint, McNeill, Norman, Waite and Wilson—11.

So the motion was reconsidered.

The question again recurred upon the adoption of the amendment proposed by Mr. De la Guerra.

Mr. De la Guerra moved a call of the Senate.

Lost.

On the question of adopting the amendment, the ayes and noes were demanded by Messrs. McCoun, Heintzelman and De la Guerra, with the following result :

AYES.

Messrs. Ashley, Burton, Coffroth, Cosby, De la Guerra, Dosh, Flint, Hawthorne, McNeill, Norman, Waite and Wilson—12.

NOES.

Messrs. Burnett, Bynum, Crandall, Ferguson, French, Hawks, Heintzelman, Hook, McCoun, McGee, Scellen, Shaw and Westmoreland—13.

So the amendment was rejected.

Mr. Heintzelman moved that the bill be considered engrossed and read a third time.

Upon which the ayes and noes were demanded by Messrs. Burton, McCoun and Heintzelman, with the following result :

AYES.

Messrs. Burnett, Bynum, Crandall, Dosh, Ferguson, Flint, French, Gove, Hawks, Hawthorne, Heintzelman, Hook, McCallum, McCoun, McGee, McNeill, Scellen, Shaw and Westmoreland—19.



NOES.

Messrs. Ashley, Burton, Coffroth, Cosby, De la Guerra, Lippincott, Waite and Wilson—8.

So the motion prevailed and the bill was ordered to its third reading.

The question recurring on the passage of the bill.

Mr. Ferguson demanded the previous question.

Not sustained.

Mr. De la Guerra moved a call of the Senate.

Lost.

On the question of passing the bill, the ayes and noes were demanded by Messrs. Ferguson, Burton and Heintzelman, with the following result :

AYES.

Messrs. Burnett, Bynum, Crandall, Dosh, Ferguson, Flint, Gove, Hawks, Hawthorne, Heintzelman, Hook, McCoun, McGee, Scellen, Shaw and Westmoreland—16.

NOES.

Messrs. Ashley, Burton, Coffroth, Cosby, De la Guerra, French, Lippincott, Waite and Wilson—9.

So the bill was passed.

Mr. Westmoreland moved to reconsider the vote just taken.

Mr. Heintzelman moved to indefinitely postpone the motion to reconsider.

Mr. Wilson moved to adjourn.

Lost.

On the motion to indefinitely postpone the motion to reconsider, the ayes and noes were demanded by Messrs. Wilson, Burton and McCoun, with the following result :

AYES.

Messrs. Burnett, Bynum, Crandall, Dosh, Ferguson, Gove, Hawks, Hawthorne, Heintzelman, McCallum, McCoun, McGee, Scellen, Shaw and Westmoreland—15.

NOES.

Messrs. Ashley, Burton, Coffroth, Cosby, De la Guerra, Flint, French, Hook, Lippincott, McNeill, Norman, Waite and Wilson—13.

So the motion prevailed and the motion to reconsider was indefinitely postponed.

Mr. De la Guerra rose to a privileged question, touching a certain article published in the *State Tribune*, which was read by the Secretary, and concerning which Senator De la Guerra made a personal explanation.

On motion of Mr. French, Substitute for Assembly Bill No. 6, for An Act concerning the War Debt of this State and providing for the redemption thereof, was made the Special Order for Tuesday next at 12 o'clock, M.

Mr. Bynum presented certain petitions concerning the funding of the debt of Napa County.

Referred to the Judiciary Committee.

Leave being granted, Mr. Waite introduced a bill for An Act supplemental to an Act entitled "An Act making Appropriations for the Civil Expenses of the Government of this State," approved March 15th, 1856.

Read a first and second times and referred to the Committee on Finance.

Leave being granted, Mr. McGee introduced a bill for An Act authorizing J. E. Davis and A. P. Jordan, and others, to construct a Wharf at Santa Cruz.

Referred to the Committee on Claims.

Mr. Hawks moved to adjourn.

The ayes and noes were demanded by Messrs. McCoun, Hook and Wilson, with the following result:

AYES.

Messrs. Burnett, Burton, Bynum, Coffroth, Crandall, Ferguson, Flint, Hawks, Hawthorne, Heintzelman, Hook, Lippincott, McCoun, McGee, McNeill, Norman, Scellen, Tilford, Waite and Westmoreland—20.

NOES.

Messrs. Ashley, Cosby, Dosh, Fiske, French, McCallum and Wilson—7.

So the Senate adjourned.

IN SENATE.

THURSDAY, March 20, 1856.

Senate met pursuant to adjournment.

Mr. Ashley, President *pro tem.* in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of yesterday read and approved.

On motion of Mr. Burton, an indefinite leave of absence was granted to Mr. Scellen.

Mr. Norman presented a petition asking an appropriation of \$35,000 for the construction of a wagon road from the Big Tree, in Calaveras County, to Carson Valley.

Referred to the Committee on Internal Improvements.

Leave being granted, Mr McGee introduced a bill for An Act to authorize the Board of Supervisors in and for Butte County, to purchase the Bridge that is being erected across Feather River at Bidwell, Butte County, owned by the Bidwell Bridge Company.

Read a first and second times and referred to Senator McGee.

Mr. Ferguson introduced a bill for An Act supplementary to an Act entitled "An Act to regulate the Estates of Deceased Persons," approved May 1, 1851.

Read a first and second times and referred to the Judiciary Committee.

Mr. Norman introduced a bill for An Act to exempt Mining Claims and Mining Implements from Forced Sale, in certain cases.

Read a first and second times and referred to the Committee on Mines and Mining Interests, and ordered printed.

Mr. Bynum introduced a bill for An Act fixing the Times for holding the Court of Sessions, County Court and the Probate Court, in and for the County of Solano.

Read a first and second times and referred to Senator Bynum.

According to previous notice, Mr. Coffroth introduced a bill for An Act to purchase one thousand copies of George H. Goddard's Map of the State of California and Utah and New Mexico Territories, for the use of the State and County Officers and Public Schools, and to regulate the distribution thereof.

Read a first and second times and referred to Committee on Education.

Mr. Burton presented the following report:

*Mr. President:*

Your Committee on Enrollment has examined and found correctly enrolled, an Act entitled An Act extending the Time for Presentation and Allowance of Claims against the Estate of S. A. Booke, deceased, in the County of Sonoma; and

An Act to authorize John H. Hill, Guardian of the Person and Estate of Wm. K. Burns, a lunatic, to sell and convey, by Private Sale, the Real Estate of his said Ward.

E. F. BURTON.

Mr. Burton presented the following report:

*Mr. President:*

Your Committee on Enrollment presented to the Governor, on yesterday, Joint Resolution relating to the establishment of Mail Routes from San Francisco, Trinidad, Crescent City, Humboldt Bay, etc.

E. F. BURTON.

Mr. Tilford introduced a bill for An Act to amend an Act entitled "An Act to regulate Proceedings in Criminal Cases," passed May 1st, 1851.

Read a first and second times and referred to the Judiciary Committee.

Mr. Bynum introduced a bill for An Act to lease to Jonathan Williams, Tule Land in the County of Yolo.

Read a first and second times and referred to Committee on Public Lands.

Mr. Tilford introduced a bill for An Act to amend an Act entitled "An Act concerning Fraudulent Conveyances and Contracts," passed April 19th, 1850.

Read a first and second times and referred to the Judiciary Committee.

Mr. McCoun gave notice that on to-morrow, or at an early day, he would introduce a bill to amend An Act entitled "An Act to establish an Asylum for the Insane of the State of California," approved May 17th, 1853.

Mr. McCoun presented the following report:

*Mr. President:*

The Finance Committee to which was referred Senate Bill No. 136, entitled An Act concerning the Transportation of Prisoners to the State Prison and to Appropriate Money for the same, begs leave to report the same back to the Senate and recommend its passage.

W. H. McCOUN,  
Chairman.

The bill was considered in Committee of the Whole.

After some time so spent, the committee rose and reported it back to the Senate.



Mr. Shaw moved to insert after the words "fifty cents per mile," the words "for one way only."

Agreed to.

The bill was then, on motion, considered engrossed, read a third time and passed.

Mr. Flint presented the following report :

*Mr. President :*

Your Committee on Commerce and Navigation has had under consideration An Act to establish a Board of Pilot Commissioners and Pilots for the Ports of Benicia and Mare Island, and recommends the adoption of amendments thereunto annexed, and begs leave to report in favor of its passage as amended.

WILSON FLINT,  
Chairman.

The bill was considered in Committee of the Whole, and reported back to the Senate with a recommendation for its passage.

On motion of Mr. Burnett, the bill was considered engrossed, read a third time and passed.

Mr. McCoun presented the following report :

*Mr. President :*

The Committee on Finance to which was referred Senate Bill No. 138, entitled An Act supplemental to "An Act making Appropriations for the Civil Expenses of the Government of this State," has had the same under consideration and asks leave to report the same back for the consideration of the Senate.

W. H. McCOUN,  
Chairman.

The bill was taken up and ordered engrossed for a third reading.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills has examined Senate Bill for An Act for the Protection of Actual Settlers and to Quiet Land Titles in this State, and finds the same correctly engrossed.

McCALLUM,  
Chairman.

Mr. McCoun gave notice that he would introduce a bill for An Act for the Relief of Martin Porter.

Mr. Ferguson presented the following Report :

*Mr. President :*

The Judiciary Committee, to which was referred Senate Bill No. 51, entitled An Act amendatory of, and supplemental to an Act, entitled "An Act to Regulate the Settlement of the Estates of Deceased Persons," passed May 1st, 1851, has had the same under consideration, and recommends its indefinite postponement.

The bill was placed on the Calendar.

Mr. Ferguson presented the following report :

The Judiciary Committee, to which was referred the following Assembly Resolution, has had the same under consideration, and respectfully recommends its passage.

The following concurrent resolution was read and adopted :

WHEREAS, a large number of the citizens of Carson Valley, in Utah Territory, have petitioned Congress to be set off from said Territory of Utah, and to be attached to the State of California, for good reasons as set forth in their petition; and, *whereas*, they have also asked the co-operation and aid of this Legislature, to secure a result of so vital interest to their growth, prosperity and happiness; Therefore

*Resolved*, By the Senate and Assembly of California, that we acquiesce in the wishes of the citizens of Carson Valley, as set forth in their petition to be attached to California, and that we request our Senator and Representatives in Congress, to urge the passage of a law, making the 118th Meridian of Longitude West from Greenwich, the Eastern boundary of California, from the point in the Southern boundary line of Oregon, crossed by said Meridian, to a point in the Eastern line of California, intersected by the said Meridian.

*Resolved*, That the Governor of the State, be requested immediately to forward to our Senator and Representatives in Congress, copies of these joint resolutions.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee to which was referred Assembly Bill No. 114, entitled An Act to amend an Act entitled "An Act to establish the salaries of the Judges of the Thirteenth, Fourteenth and Fifteenth Judicial Districts, and to define the time for holding courts in said districts," approved April 28, 1855, has had the same under consideration, and recommends its reference to the Senators representing the Fourteenth Judicial District.

W. I. FERGUSON,  
Chairman.

The bill was taken up, read a third time, and passed.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee to which was referred Senate Bill No. 104, entitled An Act to amend an Act entitled "An Act Concerning Offices," passed April 28,

1851, has had the same under consideration and recommends its passage, with an amendment.

W. I. FERGUSON,  
Chairman.

Mr. Ferguson presented the following report:

*Mr. President :*

The Judiciary Committee to which was referred Senate Bill No. 45, entitled "An Act to Incorporate the City of Nevada." Also, Assembly Bill No. 86, entitled "An Act to Fund the Debt of the County of Napa, and provide for the Payment of the same." Also, Assembly Bill No. 125, entitled An Act amendatory of "An Act concerning County Judges," passed April 4th, 1854, and also An Act which passed April 30th, 1855, amendatory of the above recited Act, has had the same under consideration, and would respectfully recommend their passage.

W. I. FERGUSON,  
Chairman.

Senate Bill No. 45 was taken up.

On motion, considered engrossed, read a third time and passed.

Assembly Bills Nos. 125 and 86 were placed on the Calendar.

Mr. Day presented a petition from the Common Council of the City of Oakland, containing certain proposed amendments to the Charter of Oakland.

On motion of Mr. Day, referred to Judiciary Committee, with instructions to report a bill on the subject.

Leave being granted, Mr. Day introduced a Bill for "An Act to require the Governor to submit to the People of the State, at the next General Election, An Act herein named, for their approval or rejection."

Read a first and second times and referred to Committee on Internal Improvements.

Mr. McCoun presented a petition from Martin Porter.

Referred to Committee on Claims.

Mr. Heintzelman gave notice, that he would, at an early, introduce a bill to provide for an appropriation to meet deficiencies in printing and advertising, that accrued from the 1st day of February, 1855, to the 1st day of February, 1856.

Leave being granted, Mr. Ashley introduced a bill for An Act concerning the debt and the current expenses of the County of Monterey, and to provide for the funding and the payment of the same.

Read a first and second times and referred to Senator Ashley.

Leave being granted, Mr. Ashley introduced a bill for An Act to confirm a certain contract of the Trustees of the City of Monterey, for the building of a Wharf.

Read a first and second times and referred to Committee on Commerce and Navigation.

Leave being granted, Mr. Ashley introduced a bill for An Act to create the County of Aromas.

Read a first and second times and referred to Senators Day and Ashley.

Leave being granted, Mr. Ashley introduced a bill for An Act to amend "An Act to Incorporate the City of Monterey."

Read a first and second times and referred to Senator Ashley.

Mr. Bynum gave notice that he would, on to-morrow, introduce a bill for An Act to amend an Act entitled "An Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers," approved March 20th, 1855.

Mr. Bynum gave notice that he would, at an early day, introduce a bill for An Act to amend An Act authorizing the Board of Supervisors of Solano County to levy a special tax for the payment of certain indebtedness of said county.

Mr. Burton gave notice that he would introduce a bill for An Act amendatory of "An Act to establish, support and regulate Common Schools," approved May 3, 1855.

Mr. Day gave notice that he would, on to-morrow, introduce a Bill to amend Section 15 of "An Act concerning Fraudulent Conveyances and Contracts," approved April 19, 1850.

Mr. Westmoreland introduced a Bill for An Act to amend "An Act concerning Elections," passed March 30, 1852.

Read a first and second times and referred to Judiciary Committee.

Mr. Rust, from a Select Committee, reported back Bill No. 127, for An Act to authorize Charles Cavillaud and others to direct Water from the main channel of Yuba River.

On motion of Mr. Burton, indefinitely postponed.

Mr. Day reported back Senate Bill No. 38, An Act to punish and discourage the practice of Polygamy.

On motion the bill was placed on the Calendar.

According to previous notice, Mr. French moved to reconsider the vote on the passage of Senate Bill No. 109, relative to the organization of the Militia of this State.

Mr. French moved a call of the Senate.

Lost.

Mr. French asked leave to withdraw his motion to reconsider the vote.



Mr. Hawks objected.

A motion to allow Mr. French to withdraw his motion was lost.

Mr. French moved a call of the Senate.

The ayes and noes were demanded by Messrs. Fiske, French and Hook, with the following result :

AYES.

Messrs. Day, De la Guerra, Fiske, French, Hawthorne, Hook, Norman—7.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Crandall, Dosh, Ferguson, Flint, Gove, Hawks, Lippincott, McCallum, McCoun, McGee, Rust, Tilford, Waite, Wilson—20.

So the motion was lost.

Mr. French moved to make his motion to reconsider the special order for 12 o'clock, M. to-morrow.

Mr. Flint demanded the previous question.

The Chair, (Mr. McCallum) announced that the demand for the previous question was not sustained.

Mr. Hawks called for a recount.

Mr. French raised the following point of order :

A call for the previous question having been put, and the result announced by the Chair ; a recount being called the Chair entertained the motion for a recount. Point of order is, that a recount cannot be had after the result has been announced by the President.

The Chair decided the point of order not well taken.

Mr. French appealed from the decision of the Chair.

And the question being "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded by Messrs. Flint, Hawthorne, and Fiske, with the following result :

AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Dosh, Ferguson, Flint, Gove, Hawks, Lippincott, McCoun, Rust, Waite, Wilson—16.

NOES.

Messrs. Fiske, French, Hawthorne, McNeill, Norman, Tilford—6.

So the decision of the Chair was sustained.

A recount being taken, the demand for the previous question was sustained.

And the question being "Shall the main question be now put?" it was decided in the affirmative.

The main question being to make the motion to reconsider the special order for to-morrow, the ayes and noes were demanded by Messrs. Hawthorne, Fiske and Flint, with the following result:

AYES.

Messrs. Day, Fiske, French, Hawthorne, Hook, McCoun, McGee and Waite—8.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Crandall, Dosh, Ferguson, Flint, Gove, Hawks, Lippincott, Rust, Tilford and Wilson—16.

So the motion was lost.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly have passed Assembly Bill No. 82, An Act to regulate the business of Banking.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

The bill was read a first and second times and referred to the Judiciary Committee.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly have passed Assembly Bill No. 224, An Act to appropriate the sum of three thousand five hundred and ninety-seven dollars, to meet deficiencies of an appropriation for the support of the Insane Asylum of California for the year 1855.

Also, have concurred in Senate concurrent resolution in relation to school moneys for Placer County.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Bill No. 224, was read a first and second times, and referred to the Committee on Hospitals.

Mr. Ferguson presented the following concurrent resolutions which were adopted:

*Resolved*, By the Senate, the Assembly concurring, that our Senator be instructed and our Representatives in Congress be requested, to urge the passage of a new general Postage Law, embracing the following provisions:

1st. Uniform postage of two cents on letters and a cheap uniform rate for printed matter.

2d. Receiving-houses and letter-carriers for the collection and delivery of letters in cities and principal towns, without extra charge.

3d. Money orders for sums not exceeding \$25, to be drawn by the principal post offices on each other.

4th. Compulsory prepayment to be abolished, and double postage to be charged on all mail matter not prepaid.

5th. All deal letters to be returned to the writers and, whenever possible, without opening.

6th. The postage of all franked matter to be paid by the Government.

*Resolved*, That his Excellency, the Governor, be requested to forward copies of the above resolution to our Members and Senator in Congress.

Mr. Tilford introduced a bill for An Act to provide for the more effectual enforcement of public taxes and assessments and creating a lien therefor.

Referred to the Judiciary Committee.

Mr. Cosby offered the following concurrent resolution, which was adopted:

*Resolved*, By the Senate and Assembly, that our Senator be instructed and our Representatives in Congress be requested, to exercise their influence to procure the establishment of an additional Land District in the Northern Counties in this State, and that said Land Office be established in Humboldt County.

*Resolved*, That the Governor be requested to forward a copy of this resolution to our Senator and Representatives in Congress.

Mr. Tilford presented the following report:

*Mr. President:*

Your Committee on Enrollment, on yesterday, presented to his Excellency, the Governor, the Joint Resolution in regard to the establishment of a daily line of mail communication between Shasta City, in this State, and Marysville, Oregon Territory.

Respectfully,

F. TILFORD.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly has passed Assembly Joint Resolution in regard to the Sebastian Indian Reservation; also,

Passed Assembly Bill No. 146, An Act supplementary to an Act entitled "An Act concerning the Official Bonds of Officers," passed Feb. 28, 1850; and,

Passed Joint Resolution in reference to Board of U. S. Land Commission.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

The following Assembly concurrent resolution was taken up and concurred in :

WHEREAS, The people of the Southern portion of the State of California are deeply interested in preserving peaceful relations with the numerous and warlike tribes of Indians in their neighborhood ; and, *whereas*, the Sebastian Indian Reservation has, in an eminent degree, practically aided and is still aiding in the preservation of peace and quiet ; and, *whereas*, furthermore, reports have been circulated that the Federal authorities contemplate a change of location of said Reservation, thereby jeopardizing the lives and property of our fellow citizens, and inviting Indian hostilities ; therefore,

*Resolved*, By the Assembly, the Senate concurring, that our Senator and Representatives in Congress be requested to obtain such legislation from Congress as may prevent the removal of said Reservation from its location ; and that they be further requested to use their influence with the proper Executive Department to induce a continuation of the present reservation.

*Resolved*, further, that the Governor be requested to transmit copies of this preamble and resolutions to our Representatives in Congress and to the Secretary of the Interior.

Assembly Bill No. 146, was read a first and second times and referred to the Judiciary Committee.

Assembly Joint Resolution relating to the U. S. Board of Land Commissioners, was referred to the Committee on Public Lands.

On motion of Mr. Day, Senate Bill No. 123, An Act to provide for the Survey and Construction of Immigrant Wagon Roads across the Sierra Nevada Mountains, was taken up and made the Special Order for Saturday next at 12 M.

Mr. Shaw gave notice that he would, on to-morrow, offer an amendment to the 27th Standing Rule of the Senate.

Mr. Ashley gave notice that he would introduce An Act to allow Judicial Proceedings in the County of Monterey to be conducted in the Spanish Language, when consented to by the Parties to the Action.

Mr. Lippincott gave notice that he would, at an early day, introduce a bill for An Act providing for taking transcripts of certain records in Yuba County.

Mr. Fisk gave notice that he would, at an early day, introduce a bill to amend the Common School Law of this State.

Bills on the Calendar—

Senate Bill No. 69, An Act to authorize Benjamin F. Forsyth, and others, to construct a Wharf in Solano County, was taken up, considered in Committee of the Whole, and amended.

After some time so spent, the bill was reported back to the Senate.

Mr. Shaw moved that the bill be indefinitely postponed.

Mr. French moved to strike out the words "one hundred and," in the first section of the bill.

Lost.



Mr. Fiske moved to adjourn.

Not agreed to.

Mr. Rust moved to strike out, in the first section, the words "and fifty."

Mr. Norman demanded the previous question.

Sustained.

The question being "Shall the main question be now put?" it was carried.

The question recurring on the motion to strike out the words "and fifty," it was carried.

The main question being on the indefinite postponement of the bill, the ayes and noes were demanded by Messrs. Rust, Day and Norman, with the following result:

AYES.

Messrs. Burton, Norman, Shaw and Westmoreland—4.

NOES.

Messrs. Ashley, Burnett, Bynum, Cosby, Day, Dosh, Fiske, Flint, French, Gove Hawthorne, Hook, McCoun, McNeill, Rust and Wilson—16.

So the motion was lost.

On motion of Mr. Bynum, the bill was ordered to be engrossed for a third reading.

Senate Bill No. 52, for An Act to legalize the election of certain officers in Trinity County, was taken up, considered in Committee of the Whole, amended, and reported back to the Senate.

On motion of Mr. Cosby, the bill was considered engrossed, read a third time, and passed.

Several petitions were taken from the Calendar relating to the office of State Gauger, and, on motion, indefinitely postponed.

Assembly Bill No. 26, An Act amendatory to an Act entitled "An Act to provide for the Disposal of Lots in the Towns and Villages on the Public Lands in Humboldt County," passed April 27, 1855, was taken up, considered in Committee of the Whole, amended, and reported back to the Senate.

On motion, the amendments made in Committee of the Whole were concurred in, the bill read a third time, and passed.

Mr. Gove moved to adjourn.

The ayes and noes were demanded by Messrs. Day, Dosh and McNeill, with the following result:

## AYES.

Messrs. Burton, Fiske, French, Gove, Hawthorne, McCallum, McGee and Waite—8.

## NOES.

Messrs. Burnett, Bynum, Coffroth, Cosby, Crandall, Day, Dosh, Flint, Lippincott, McNeill, Rust and Shaw—12.

So the motion was lost.

Senate Bill No. 86, An Act to provide for the payment of the salary of the County Judge of Sacramento County.

Taken up and on motion of Mr. French laid on the table.

Senate Bill No. 84, to apportion the Senatorial and Assembly districts of this State, was taken up.

On motion of Mr. Cosby, made the special order for Monday next, at 12 o'clock.

Substitute for Senate Bill Nos. 10 and 93, An Act to authorize the working of the Convicts of the different counties of this State, was taken up.

On motion, laid on the table.

Senate Bill No. 68, An Act to authorize persons to change their names, was taken up.

On motion of Mr. Shaw, laid upon the table.

Senate Bill No. 48, to amend the Act to provide revenue for the support of the government of this State.

Made the Special Order for to-morrow, at 2 o'clock P. M.

Mr. De la Guerra, from a Special Committee, reported back Senate Bill No. 137, for An Act for the relief of David Frank Newsom.

On motion, considered engrossed, read a third time and passed.

Mr. Coffroth moved to take up Senate Bill No. 51, relative to the incorporation of Railroad Companies.

Lost.

On motion of Mr. McCoun, the Message of the Governor returning to the Senate with his objections, an act amendatory of "An Act concerning Corporations," was taken up.

On motion of Mr. Coffroth, laid upon the table.

Mr. McCallum presented the following report:

*Mr. President :*

The Committee on Engrossed Bills has examined Senate Bill No. 134, An Act to establish pilots and pilot regulations for the port and harbors of Benicia and Mare Island, and find the same correctly engrossed.

McCALLUM,  
Chairman.

On motion of Mr. French, the Senate adjourned.

---

IN SENATE.

FRIDAY, March 21, 1856.

Senate met pursuant to adjournment.

Mr. Ashley, President *pro tem.*, in the Chair.

Prayer by the Rev. Mr. Pratt.

Journal of yesterday read and approved.

Mr. Gove presented a petition from citizens of Sacramento County, asking the repeal of the clause of the Act excluding the testimony of Negroes and Mulattoes from the courts of justice in this State.

Referred to the Judiciary Committee.

Mr. Burton presented the following report :

*Mr. President :*

The Committee on Enrollment presented to the Governor, on yesterday, An Act extending the Time for Presentation and Allowance of Claims against the Estate of S. A. Booker, deceased, in the County of Sonoma; and

An Act to authorize John H. Hill, Guardian of the Person and Estate of Wm. K. Burns, a lunatic, to sell and convey by Private Sale, the Real Estate of his said Ward.

E. F. BURTON.

Mr. Burton presented the following report :

*Mr. President :*

Your Committee on Enrollment has examined and find correctly enrolled, an Act entitled An Act to regulate the Fire Department of the City of Sacramento; and,

Concurrent Resolution in relation to the School Moneys of Placer County.

E. F. BURTON.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills has examined Senate Bill No. 138, An Act supplemental to an Act entitled "An Act making Appropriations for the Civil Expenses of the Government of this State," approved March 15th, 1856, and find the same correctly engrossed.

McCALLUM,  
Chairman.

Mr. Fiske presented the following report :

*Mr. President :*

The Committee on Counties and County Boundaries, to which was referred Substitute for Assembly Bill No. 202, An Act amendatory of an Act entitled "An Act dividing the State into Counties and establishing the Seats of Justice therein," passed April 25th, 1851, has had the same under consideration, and would report the same back to the Senate and recommend its passage.

HENRY M. FISKE.

The bill was taken up, read a third time, and passed.

Mr. Fiske presented the following report :

*Mr. President :*

The Hospital Committee, to which was referred Assembly Bill No. 224, An Act to appropriate the sum of Three Thousand Five Hundred and Ninety-Seven Dollars, to meet Deficiencies of an Appropriation for the Support of the Insane Asylum of California for the year 1855, would report the same back to the Senate and recommend its passage.

HENRY M. FISKE,  
Chairman.

The bill was taken up, read a third time, and passed.

Mr. Fiske presented the following report :

*Mr. President :*

The Committee on Internal Improvements to which was referred Senate Bill No. 148, An Act to require the Governor to submit to the people of the State, at the next general election, an Act therein named, for their approval or rejection, begs leave to report the same back to the Senate and recommend its passage.

HENRY M. FISKE,  
Chairman.

The bill was placed on the Calendar.



Mr. Heintzelman was permitted to withdraw, from the file of the Senate, certain papers relating to the establishment of an Orphan Asylum in Marin County.

Mr. Bynum presented the following report :

*Mr. President :*

Your Special Committee, to which was referred Senate Bill No. 143, entitled An Act fixing the times for holding the Court of Sessions, the County Court and the Probate Court, in and for the County of Solano, has had the same under consideration and respectfully recommends its immediate passage.

S. BYNUM,  
Chairman.

The Bill was taken up.

On motion of Mr. Bynum, considered engrossed, read a third time and passed.

Mr. McCoun reported back Senate Bills Nos. 106 and 107, relative to the State's indebtedness, with a recommendation that the same be referred to a Select Committee of three.

The reconsideration was concurred in.

The Chair appointed the following Senators said Committee :

Messrs. Coffroth, Norman and Waite.

Bills on the Calendar—

Senate Bill No. 97, An Act to create the County of Fresno, to define its boundaries and to provide for its organization, was taken up.

Read a third time and passed.

Mr. Rust moved to reconsider the vote by which the bill was passed.

Lost.

Senate Bill No. 94, An Act to provide for the payment of Thomas T. W. Price, for services rendered, money expended and supplies furnished to the volunteers in an expedition under his command against the hostile Indians, in the northern portions of Yolo and Napa Counties, during the year 1851, was taken up.

On motion, laid upon the table.

Mr. Hawthorne was permitted to withdraw the papers of Wm. A. Cornwall from the files of the Senate, preferring a certain claim against the State.

Senate Substitute of Military Committee for Senate Bill No. 67, An Act authorizing the Treasurer of State to issue Bonds for the payment of the expenses of Volunteer Companies under Captain William Martin, Captain William White, Captain Daniel Reams, Captain Thomas B. Lynch and Captain T. M. Kelly in suppressing Indian hostilities on the northern frontier of the State of California, in the year 1855, was taken up.

Read a third time and ordered to be engrossed.

Senate Bill No. 58, for An act to amend "An Act to provide for the Incorporation of Railroad Companies," passed April 22d, 1853, and amended May 15th, 1854, and amended April 10th, 1855, was taken up, considered, amended in Committee of the Whole, reported back to the Senate, and the Committee amendments concurred in.

On motion of Mr. Norman, the Bill was ordered to be engrossed for a third reading and the usual number of copies printed.

Mr. Shaw asked leave to introduce a bill for An act to amend An Act entitled "An Act to protect the bodies of deceased persons and public grave-yards."

The Chair ruled the introduction of the bill out of order.

Mr. Shaw moved that the privilege be granted, which motion prevailed by a vote of fifteen to three, on a division of the Senate.

Mr. Norman raised the point of order, that under a resolution adopted by the Senate, no new business could be introduced after the 20th instant.

The Chair decided the point of order not well taken, and that the vote of the Senate for the time being, suspended the operation of the resolution.

Mr. Norman appealed from the decision of the Chair.

And the question being: "Shall the decision of the Chair stand as the judgment of the Senate?" it was decided in the affirmative.

Mr. Lippincott moved to reconsider the vote by which the Bill was allowed to be introduced.

Lost.

The Bill was read a first time and objection being made, laid over under the rule.

Mr. Norman moved to suspend the rules, to enable him to move a reconsideration of the vote by which the resolution was adopted forbidding the introduction of new business after the 20th instant.

Lost.

The hour for the consideration of the first Special Order having arrived, the Senate took up Senate Bill No. 11, to amend "An Act to provide for the protection of Foreigners, and define their liabilities and privileges," passed March 30th, 1853.

Mr. McCallum offered the following substitute to all that portion of the Bill which succeeded the words "Section One." The act entitled An Act to amend "An Act to provide for the protection of Foreigners, and define their liabilities and privileges, passed April 30th, 1855," is hereby repealed, and Section Six of the original Act is hereby re-enacted.

Said Section reads as follows :

SECTION 6. The amount to be paid for each license shall be at the rate of four dollars per month, and said license shall in no case be transferable. This Act shall take effect from and after April 1st, 1856.

On the question of adopting the substitute, the ayes and noes were demanded by Messrs. Dosh, Fiske and Coffroth, with the following result :

AYES.

Messrs. Ashley, Cosby, Day, De La Guerra, Ferguson, Fiske, Hawks, Hawthorne, Hook, McCallum, McGee, McNeill, Rust, Shaw, Tilford, Waite, Westmoreland and Wilson—18.

NOES.

Messrs. Burnett, Bynum, Coffroth, Crandall, Dosh, Flint, French, Lippincott and Norman—9.

So the substitute was adopted.

Mr. Coffroth moved to strike out the enacting clause of the Bill.

Mr. Hawthorne demanded the previous question, which was not sustained.

Mr. French offered the following amendment to come in at the conclusion of First Section of the Bill.

*“Provided, Should any foreigner refuse to pay the tax imposed by this Act, he shall be liable to be seized by the Collector and put to work upon the roads, at the rate of one dollar per day, until such license shall be paid together with costs.”*

Mr. Norman demanded the previous question, which was sustained.

And the question being “Shall the main question be now put?” it was carried.

The question being on the adoption of the amendment proposed by Mr. French, the ayes and noes were demanded by Messrs. French, Dosh and Coffroth, with the following result :

AYES.

Messrs. Burnett, Burton, Coffroth, Dosh, Flint, French, Lippincott and Tilford—8.

NOES.

Messrs. Ashley, Bynum, Cosby, Crandall, De la Guerra, Ferguson, Fiske, Hawks, Hawthorne, Heintzelman, Hook, McCallum, McCoun, McGee, McNeill, Norman, Shaw, Waite, Westmoreland and Wilson—20.

So the amendment was rejected.

The question recurring on the motion to strike out the enacting clause of the Bill, the ayes and noes were demanded by Messrs. Westmoreland, McCoun and French, with the following result :

## AYES.

Messrs. Burnett, Coffroth, Dosh, Flint, French, Lippincott and Tilford—7.

## NOES.

Messrs. Ashley, Burton, Bynum, Cosby, Crandall, Day, De la Guerra, Ferguson, Fiske, Hawks, Hawthorne, Heintzelman, Hook, McCallum, McCoun, McGee, McNeill, Norman, Shaw, Waite, Westmoreland and Wilson—22.

So the motion to strike out the enacting clause of the Bill was lost.

On the question of ordering the bill to be engrossed for a third reading to-morrow, the ayes and noes were demanded by Messrs. Burnett, French and Dosh, with the following result:

## AYES.

Messrs. Ashley, Burton, Bynum, Cosby, Crandall, Day, De la Guerra, Ferguson, Fiske, Hawks, Hawthorne, Heintzelman, Hook, McCallum, McCoun, McGee, McNeill, Norman, Shaw, Waite, Westmoreland and Wilson—22.

## NOES.

Messrs. Burnett, Coffroth, Dosh, Flint, French, Lippincott and Tilford—7.

So the motion prevailed, and the bill was ordered to be engrossed for a third reading to-morrow.

On motion of Mr. Westmoreland, the Senate adjourned.



## IN SENATE.

SATURDAY, March 22, 1856.

Senate met pursuant to adjournment.

Mr. Ashley, President *pro tem.* in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of yesterday read approved.

Senate Bill No. 153, for An Act to amend an Act entitled "An Act to protect the bodies of deceased persons and public grave yards, was read a second time and referred to the Committee on Public Lands.

According to previous notice, Mr. Day introduced a Bill for An Act to amend "An Act concerning fraudulent Conveyances and Contracts," passed April 19, 1850.

Read a first and second times and referred to Judiciary Committee.

According to previous notice, Mr. Lippincott introduced a Bill for An Act concerning the Records of Yuba County.

Read a first and second times and referred to the Yuba delegation.

According to previous notice, Mr. Bynum introduced a Bill for An Act to amend an Act entitled "An Act to create a Board of Supervisors in the counties in this State, and to define their duties," approved March 20, 1855.

Read a first and second times and referred to the Judiciary Committee.

Mr. Tilford presented a petition from the California Academy of Natural Sciences.

Referred to Committee on Education.

Mr. Flint presented the following report :

*Mr. President :*

Your Committee on Contingent Expenses has had under consideration the Bill of Rivett & Co., and beg leave to report that the compensation claimed is for articles furnished the last Legislature. Your Committee deem it a just charge against the State, and respectfully recommend its passage.

WILSON FLINT,  
Chairman.

The account was placed on the Calendar.

Mr. Flint presented the following report.

*Mr. President :*

Your Committee on Contingent Expenses has had under consideration the bills of Ferris Foreman, Esq., for postage from January 17 to 31, and from March 3d to the 15th, amounting to \$307 63, and beg leave to report a resolution providing for his payment, and recommend its passage.

WILSON FLINT,  
Chairman.

Mr. Flint offered the following resolution which was adopted :

*Resolved*, That the Controller of State is hereby authorized to draw his warrant on the Treasurer in favor of Ferris Foreman, for the sum of three hundred and seven dollars and sixty-three cents, for postage, and the same shall be paid out of the Contingent Fund of the Senate.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills have examined Senate Bill No. 11, An Act to amend "An Act to provide for the Protection of Foreigners and define their Liabilities and Privileges," passed March 30, 1853; and,

Senate Bill No. 97, An Act to Create the County of Fresno, to define its boundaries and to provide for its Organization, and find the same correctly engrossed.

McCALLUM,  
Chairman.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills has examined Senate Bill No. 69, A Bill for An Act to authorize Benjamin F. Forsythe and others to construct a wharf in Solano County; also,

Senate Bill No. 52, An Act to Legalize the Election of certain officers of Trinity County; and

Senate Bill No. 137, A Bill for the Relief of David Frank Newsom, and find the some correctly engrossed.

McCALLUM,  
Chairman.

Senate Bill No. 11, came up on its third reading.

On the question of its passage the ayes and noes were demanded by Messrs. Coffroth, Mandeville and Dosh, with the following result :

AYES.

Messrs. Ashley, Burton, Bynum, Cosby, Crandall, De la Guerra, Fiske, Hawks, Hawthorne, Heintzelman, Hook, McCallum, McCoun, McGee, McNeill, Norman, Rust, Shaw, Waite, Westmoreland and Wilson—21.

## NOES.

Messrs. Burnett, Coffroth, Dosh, Flint, French, Lippincott, Mandeville and Tilford—8.

So the Bill was read a third time and passed.

Mr. McCallum offered the following amendment to the title, which was adopted.

An Act to repeal an Act entitled "An Act to amend an Act to provide for the protection of Foreigners and to define their liabilities and privileges," passed April 30th, 1855, and to revive the original Act.

Senate Bill No. 69, An Act to authorize Benjamin F. Forsythe and others, to construct a Wharf in Solano County, was taken up.

Read a third time and passed.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
March 21st, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed the following Bills :

Assembly Bill No. 255, An Act extending the time of Collecting Taxes in the Counties of San Bernardino and Los Angeles; and

Assembly Bill No. 254, An Act to authorize the Sheriff of Alameda County to collect the delinquent taxes, for the years 1854, 1855 and 1856.

Respectfully Submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Bill No. 255, was read a first and second times and referred to Senator Wilson.

Assembly Bill No. 254, was read a first and second times and referred to Senator Day.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
March 21st, 1856. }

*Mr. President :*

I am directed to inform the Senate, that the Assembly on yesterday, passed :  
Senate Judiciary Committee Substitute, for Senate Bill No. 12, and Substitute for Senate Bill No. 23, entitled An Act for the Protection of Actual Settlers and to Quiet Land Titles in this State; and

Assembly Bill No. 214, An Act to incorporate the Town of Eureka.

Respectfully Submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Bill No. 214, was read a first and second times and referred to Senator Dosh.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
March 21st, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly, on this day, passed :  
Assembly Bill No. 60, entitled An Act to create the County of Tehama, define its boundaries and provide for its organization.

Respectfully, etc.,

ALEX. M. HAYDEN,  
Assistant Clerk of Assembly.

Assembly Bill No. 60, was read a first and second times.

Referred to Committee on Counties and County Boundaries.

On motion of Mr. Westmoreland, one day's leave of absence was granted to Mr. Ferguson.

Senate Bill No. 123, relative to the Survey of Wagon Road, was taken up.

Laid on the table.

Senate Bill No. 94, An Act to pay T. F. W. Price, for services rendered the State, was taken up.

Mr. Heintzleman moved a call of the Senate, which was agreed to.

The roll was called, and the following Senators found absent without leave :—  
Messrs. De la Guerra and Hawthorne.

Mr. Rust moved that further proceedings under the call be dispensed with.

Lost.

Mr. De la Guerra appeared at the Bar of the Senate, was excused and admitted.

Mr. French moved that further proceedings under the call be dispensed with.

Lost.

Mr. Hawthorne appeared at the Bar of the Senate, was excused and admitted.

Mr. French moved that further proceedings under the call be dispensed with.

Lost.

On motion of Mr. Norman, the call was suspended.



The Senate, as in Committee of the Whole, considered and amended Senate Bill No. 94, and reported the same back to the Senate and recommended its passage.

The Senate concurred in the Committee amendments.

On motion of Mr. Mandeville, the Bill was considered engrossed, read a third time and passed.

Mr. McCallum presented the following resolution, which was adopted :

*Resolved*, That the Engrossing Clerk be authorized to employ an Assistant Clerk. The appointment to take effect from the first instant.

The Senate as in Committee of the Whole took into consideration Senate Bill No. 123, To provide for the survey and construction of Immigrant Wagon Roads across the Sierra Nevada Mountains.

Amended and reported the same back to the Senate, with a recommendation for its passage as amended.

On motion of Mr. Day, the amendments were concurred in and the Bill made the Special Order of the day for Monday next at 12 o'clock.

According to previous notice, Mr. McCoun introduced a Bill for an Act for the relief of Martin Porter.

Read a first and second times and referred to Committee on Claims.

On motion, Senate Bill No. 48 was taken up, considered in Committee of the Whole, amended and reported back to the Senate.

Mr. Coffroth moved a call of the Senate.

Carried.

The roll was called, and the following Senators found to be absent without leave :

Messrs. Crandall, De la Guerra, Dosh, French, Hawks, Lippincott and Westmoreland.

On motion, further proceedings under the call were dispensed with.

Mr. McCallum moved to indefinitely postpone the Bill, upon which the ayes and nocs were demanded by Messrs. Coffroth, McCallum and Ferguson, with the following result :

AYES.

Messrs. Cosby, Crandall, Day, Fiske, Heintzelman, Hook, McCallum, McGee, McNeill, Norman and Waite—11.

## NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Ferguson, Flint, French, Gove, Hawthorne, Lippincott, McCoun, Rust, Tilford, Westmoreland and Wilson—16.

So the motion to indefinitely postpone was lost.

Mr. McCallum moved to amend the Bill by reducing the license on billiard tables from fifteen to seven and a half dollars.

Mr. McCoun moved to amend the amendment by inserting the word "ten."

Adopted.

Mr. McCallum moved to reduce the license on ten-pin or bowling alleys from ten to five dollars.

Lost.

Mr. Coffroth moved that the Bill be considered engrossed, read a third time and passed.

The ayes and noes were demanded by Messrs. McCallum, Coffroth and McCoun, with the following result :

## AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Ferguson, Flint, French, Gove, Hawthorne, Lippincott, Mandeville, McCoun, Rust, Tilford, Wait and Westmoreland—17.

## NOES.

Messrs. Cosby, Crandall, Day, Dosh, Heintzelman, Hook, McCallum, McNeill and Norman—9.

So the motion prevailed.

The Bill was then read a third time and passed.

On motion of Mr. Norman, Senate Bill No. 90 was taken up, An Act to amend an Act entitled "An Act to provide for the formation of Corporations for certain purposes," approved April 14, 1853.

Mr. Flint moved to indefinitely postpone the Bill.

Lost.

Mr. Norman presented a statement from the California Steam Navigation Company, which was read by the Secretary.

Mr. Mandeville moved that the bill be considered engrossed, read a third time, and passed.

Agreed to.

The Bill was accordingly read a third time and passed.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills has examined Senate Bill No. 11, An Act to repeal an Act entitled "An Act to amend an Act to provide for the protection of Foreigners and to define their Liabilities and Privileges," passed April 30, 1855, and to revive the original Act; and

Substitute for Senate Bill No. 69, An Act authorizing the Treasurer of State to issue bonds for the payment of the expenses of the volunteer companies under Captain William Martin, Captain William White, Captain Daniel Reams, Captain Thomas B. Lynch, and Captain F. M. Kelley, in suppressing Indian Hostilities on the Northern Frontier of the State of California, in the year eighteen hundred and fifty-five, and find the same correctly engrossed.

McCALLUM,  
Chairman.

On motion Senate Bill No. 91, for An Act to amend an Act entitled "An Act Concerning Corporations," passed April 22d, A. D. 1850, was taken up.

On motion of Mr. Mandeville, the Bill was considered engrossed, read a third time and passed.

Mr. Ferguson presented the following report :

The Judiciary Committee to which was referred Senate Bill No. 85, entitled An Act to Create three States out of the State of California, has had the same under consideration, and recommend its passage with the following amendment: Insert in the first line of section first, prior to the word "these," the words "The Legislature of the State of California consents that"—

I. C. FERGUSON,  
Chairman.

The Bill was made the special order for Thursday next, at 12 o'clock, M.

The following message was received from his Excellency, the Governor :

EXECUTIVE DEPARTMENT, }  
March 22, 1856. }

*To the Honorable the Senate of the State of California :*

I have this day approved the following Bills, originating in the Senate :

A Bill entitled An Act extending the time for the presentation and allowance of Claims against the Estate of S. A. Booker, deceased, in the County of Sonoma; and,

A Bill entitled An Act to authorize John H. Hill, Guardian of the Person and Estate of Wm. K. Burns, a lunatic, to sell and convey by private sale the Real Estate of his Ward.

Respectfully, your ob't serv't,

J. NEELY JOHNSON.

Senate Bill No. 138, An Act supplementary to an Act entitled "An Act making appropriations for the Civil Expenses of the Government of this State," approved March 15th, 1856, came up on its third reading.

On motion of Mr. Ashley the Bill was recommitted to the Committee on Finance, with instructions.

Substitute for Senate Bill No. 79, An Act amendatory of, and supplementary to, an Act entitled "An Act to Provide Revenue for the Support of the Government of this State," passed May 15th, 1854.

Taken up on its third reading and, on motion, laid upon the table.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
March 22, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly, on yesterday, concurred in the following Senate resolutions, viz. :

Resolution relative to the establishment of an additional Land District in the northern Counties of this State; and

Resolution relative to the passage of a new General Postage Law.

Very respectfully,

ALEX. M. HAYDEN,  
Ass't Clerk of Assembly.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
March 22d, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed Senate Bill No. 126, An Act concerning the office of Public Administrator in the Counties of Nevada, Sacramento, Placer and Amador, with an amendment thereto, in which the concurrence of the Senate is requested; and

Senate Bill No. 143, An Act entitled An Act fixing the times for holding the Court of Sessions, the County Courts, and the Probate Court, in and for the County of Solano.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

The amendment made in the Assembly to Senate Bill No. 126, was, on motion, concurred in.

On motion of Mr. French the Senate adjourned.



IN SENATE.

MONDAY, March 24, 1856.

Senate met pursuant to adjournment.

Mr. Ashley, President *pro tem.* in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of Saturday read and approved.

According to previous notice, Mr. Burton introduced a bill for An Act to amend an Act entitled "An Act to establish, support and regulate Common Schools, and to repeal former Acts concerning the same," approved May 3, 1855.

Read a first and second times and referred to Committee on Education.

Mr. Ashley presented a petition from citizens of Monterey County, praying that the official acts of said county and pleadings before Justices of the Peace, might be conducted in the Spanish language.

Leave being granted, Mr. Ashley introduced a bill for An Act concerning proceedings in Courts being conducted in the Spanish language.

Read a first and second times and, together with the petition, referred to the Monterey delegation.

Mr. Heintzelman presented a petition from thirty-one residents of Sonoma County, asking the Legislature to extend the time for collecting taxes, so far as that county is concerned.

On motion, referred to Senator Heintzelman.

Leave being granted, Mr. Tilford introduced a bill for An Act to encourage Science, by granting to the California Academy of Natural Sciences, a quantity of Swamp and Overflowed Lands.

Read a first and second times and referred to the Committee on Education.

The following communication was received from the State Treasurer :

STATE OF CALIFORNIA, TREASURY DEPARTMENT, }  
Sacramento, March 24, 1856. }

*To the Honorable the Legislature of the State of California, assembled :*

GENTLEMEN :—I desire to call the attention of your Honorable Body to the first section of the "Act to provide Revenue for the support of the Government of

this State," passed May 15, 1854, which makes it the duty of the State Treasurer to receive gold dust from County Treasurers at the rate of seventeen dollars and twenty-five cents (\$17 25) per ounce. Since the 24th of October, 1855, there has been a loss to this office of over one thousand dollars upon gold dust, received for taxes from the Counties of Mariposa and Siskiyou; and believing the law does not contemplate that gold dust shall be received at a rate to incur a loss to the State, I desire that the law may be amended, by striking out that portion of the section requiring gold dust to be received from County Treasurers.

I am, Gentlemen,  
Your very obedient servant,

HENRY BATES,  
State Treasurer.

Referred to Committee on Finance.

Mr. Rust gave notice that, on to-morrow, he would introduce a new Rule for the government of the Senate.

Mr. McGee presented the following report :

*Mr. President :*

The State Prison Committee to which was referred Senate Bill No. 121, for the relief of James Kerrick, reports the same back and recommends its passage.

JOHN B. MCGEE,  
Chairman.

On motion of Mr. Mandeville, the rules were suspended, the bill considered engrossed, read a third time, and passed.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee to which was referred Senate Bill No. 125, has had the same under consideration and recommends its reference to the San Francisco Delegation.

W. I. FERGUSON,  
Chairman.

The recommendation of the committee was concurred in, and the bill so referred.

Mr. Burton presented the following report :

*Mr. President :*

Your Committee on Finance, to which was referred Senate Bill No. 138, An Act supplementary to an Act entitled "An Act making Appropriations for the Civil Expenses of Government of this State," approved March 15th, 1856, begs to report the same back, with the special instructions, and recommends the concurrence of the Senate.

E. F. BURTON.

The amendments recommended by the committee were concurred in, and the Bill ordered to be engrossed for a third reading to-morrow.

Mr. Burton presented the following report :

*Mr. President :*

Your Committee on Enrollment presented to the Governor, on Friday, An Act to regulate the Fire Department of the City of Sacramento.

E. F. BURTON.

Mr. McGee, from a Special Committee, reported back Senate Bill No. 140, for An Act to authorize the Board of Supervisors, in and for Butte County, to purchase the Bridge that is being erected across Feather River at Bidwell, Butte County, owned by the Bidwell Bridge Company, with an amendment.

On motion, the amendment was adopted, the rules suspended, the bill read a third time, and passed.

Mr. Rust offered the following resolution :

*Resolved*, That from and after this day, no new business shall be introduced in the Senate by any Senator, without the unanimous consent of the Senate.

Mr. Burnett moved to amend the resolution by adding the words :

"Given by a vote, upon which the ayes and noes shall be taken. This rule is not to be suspended but by a unanimous vote."

On motion of Mr. Rust, the whole subject was laid upon the table.

Mr. Wilson presented the following report :

*Mr. President :*

The committee composed of the Los Angeles Delegation, to which was referred Assembly Bill No. 255, An Act extending the time of collecting taxes in the Counties of San Bernardino and Los Angeles, respectfully report the same back, and recommend its adoption.

B. D. WILSON.

Chairman.

On motion, the rules were suspended, the Bill taken up, read a third time, and passed.

Mr. Cosby, from a Special Committee, reported back, with an amendment, Assembly Bill No. 214, for An Act to incorporate the Town of Eureka.

On motion, the amendment was adopted and the Bill placed on the Calendar.

The hour for the consideration of the First Special Order having arrived, it was passed informally over, to allow the Senate to take up

The Second Special Order, an Act entitled An Act to amend, and supplemental to, "An Act to apportion the Senatorial and Assembly Districts of the State," passed May 18th, 1853.

After spending some time in the consideration of the Bill,

On motion, it was made the Special Order for Thursday next at 12 o'clock, M.

The First Special Order was then taken up, An Act concerning the Interest of Money, and considered in Committee of the Whole.

After some time so spent,

The bill was reported back to the Senate without amendment.

Mr. McCallum moved to strike out the enacting clause of the Bill.

Mr. Coffroth moved a call of the Senate.

Agreed to.

Before the names of the absentees were announced,

On motion of Mr. McCoun, further proceedings under the call were dispensed with.

The question recurring on the motion to strike out the enacting clause of the bill, the ayes and noes were demanded by Messrs. Coffroth, Shaw and McCoun, with the following result:

AYES.

Messrs. Burnett, Burton, Coffroth, Cosby, Crandall, Day, Dosh, Ferguson, Hawks, Hawthorne, Heintzelman, Hook, Mandeville, McCallum, McGee, Rust, Scellen, Tilford, Westmoreland, Wilson—20.

NOES.

Messrs. French, Gove, McCoun, McNeill, Norman, Shaw—6.

So the motion prevailed, and the enacting clause of the bill was stricken out.

The third special order was then taken up, being Senate Bill No. 123, An Act to provide for the Survey and Construction of Immigrant Wagon Roads across the Sierra Nevada Mountains.

Mr. Crandall offered the following amendment to the third section of the Bill: "Another of said Roads shall be located between the town of Volcano, in Amador County, and a point in the old Emigrant Road near Carson Valley, following, as near as practicable, the route surveyed and worked in the year 1852; said Road shall be known as the Volcano Route.

Mr. McCoun moved to refer the Bill to a select committee of seven, to consist of Messrs. Day, Crandall, Coffroth, Cosby, McGee, Scellen and McCallum.

The ayes and noes were demanded by Messrs. French, McCoun and Mandeville, with the following result:

AYES.

Messrs. Burton, Coffroth, Cosby, Mandeville, McCoun, Waite—6.



NOES.

Messrs. Ashley, Burnett, Bynum, Crandall, Day, De La Guerra, Dosh, Ferguson, Fiske, French, Gove, Hawks, Hawthorne, Heintzelman, Hook, Lippincott, McCallum, McGee, McNeill, Norman, Rust, Scellen, Tilford, Westmoreland, Wilson—25.

So the motion was lost.

The question recurring upon the adoption of the amendment offered by Mr. Crandall, the ayes and noes were demanded by Messrs. Crandall, McGee and Mandeville, with the following result :

AYES.

Messrs. Coffroth, Cosby, Crandall, Heintzelman, Mandeville, McCoun, McGee, Norman, Rust, Shaw, Waite, Westmoreland—12.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Day, De La Guerra, Dosh, Ferguson, Fiske, French, Gove, Hawks, Hawthorne, Hook, Lippincott, Scellen, Wilson—17.

So the amendment was rejected.

Mr. Burton moved to strike out the enacting clause of the bill.

The ayes and noes were demanded by Messrs. Burton, French and Gove, with the following result :

AYES.

Messrs. Burton, Mandeville, Shaw, Waite, Westmoreland—5.

NOES.

Messrs. Ashley, Burnett, Bynum, Coffroth, Cosby, Crandall, Day, Dosh, Ferguson, Fiske, French, Gove, Hawks, Hawthorne, Heintzelman, Hook, Lippincott, McCallum, McCoun, McGee, McNeill, Norman, Rust, Scellen, Wilson—25.

So the motion was lost.

Mr. McGee offered the following amendment, which was rejected : "Another of said Roads shall be located through Beckwith Pass, by Jamison Creek, Plumas County, and Gibsonville, Sierra County."

Mr. Cosby offered the following amendment :

Insert after the words "Vegas de Santa Clara," "another of said Roads shall be located between Yreka, in Siskiyou County, and the eastern boundary of this State, passing between Shasta Butte and the northern boundary of the State."

On the question of adopting the amendment, the ayes and noes were demanded by Messrs. Dosh, Cosby, Burnett and Westmoreland, with the following result :

## AYES.

Messrs. Ashley, Burnett, Bynum, Coffroth, Cosby, Crandall, Dosh, Heintzelman, Mandeville, McCoun, McGee, Shaw, Tilford, Westmoreland—14.

## NOES.

Messrs. Burton, Day, Ferguson, Fiske, French, Gove, Hawks, Hawthorne, Hook, Lippincott, McCallum, McNeill, Norman, Rust, Seellen, Wilson—16.

So the amendment was rejected.

On motion of Mr. Lippincott, the name of John Atchinson was stricken from the third section of the bill, and that of David B. Scott inserted.

Mr. McCallum moved to strike out the name of John Kirk, in the first section, and insert that of A. D. Rock, which was lost.

Mr. McCallum offered the following amendment :

Strike out of section second, after the words "between the" in the 25th line of the bill, to the words "end of" in the 14th line of the printed bill, both inclusive, and insert after the word "allow" in the 15th line, the following : "A line to the nearest wagon road in the western foot-hills of the Sierra Nevada Mountains, in El Dorado County, which is now usually traveled with ordinary ease and safety with loaded wagons."

Lost.

Mr. Seellen moved to insert after the name of Mr. Scott, in section first, the name of Francis L. Proctor.

Lost.

Mr. Lippincott offered the following amendment, to be numbered Section six :

**SECTION 6.** The survey of the route between Forest City and the eastern boundary of the State, by way of the Henness Pass, made by D. B. Scott, in October and November, 1855, is hereby adopted and confirmed as the official survey of said route, subject to such slight variations as may be, in the opinion of the commissioners, necessary to a more perfect location of the line of the road. The survey of the route by way of the South Fork of the American River, Slippery Ford and Luther's Pass, made by Sherman Day and Thomas J. Arnold in October, November and December, 1855, and January, 1856, is hereby adopted and confirmed as the official survey for said route, subject to such slight variations along that general route as may be, in the opinion of the Commissioners, necessary to a more perfect location of the line of the road. And the said Board of Commissioners is hereby authorized and required to audit and pay the wages and expenses which may not have been previously paid by the State, or by any county, city or town, of the surveying parties engaged on the above mentioned surveys to an amount not exceeding five thousand dollars on the Henness Pass Route ; and to an amount not exceeding six thousand dollars on the Slippery Ford and Luther's Pass Route ; and the accounts for said surveys shall be paid out of the amounts appropriated in section three of this Act for the respective routes on which said surveys were made.

Mr. McCallum moved to strike out all after and inclusive of the words "and the said Commissioners" in the 26th line of the proposed section.

Lost.

The question recurring upon the amendment offered by Mr. Lippincott, the ayes and noes were demanded by Messrs. Norman, Mandeville and McGee, with the following result :

AYES.

Messrs. Burnett, Burton, Bynum, Coffroth, De La Guerra, Ferguson, Fiske, French, Gove, Hawks, Hook, Lippincott, McCoun, McGee, Shaw and Wilson—16.

NOES.

Messrs. Ashley, Cosby, Crandall, Dosh, Hawthorne, Heintzelman, Mandeville, McCallum, McNeill, Norman, Tilford, Westmoreland—12.

So the amendment was adopted.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills has examined Senate Bill No. 57, An Act to amend "An Act to provide for the Incorporation of Railroad Companies," passed April 22d, 1853, and amended May 15th, 1854, and amended April 10th, 1855, with amendments of Committee, and find the same correctly engrossed.

McCALLUM,  
Chairman.

The consideration of the Immigrant Wagon Road Bill was resumed.

Mr. Norman moved to strike out the words "one hundred thousand" in section third, and insert the words "sixty thousand."

Mr. McCoun demanded the previous question, which was not sustained.

Mr. Heintzelman moved to adjourn, upon which the ayes and noes were demanded by Messrs. Hawks, McGee and French, with the following result :

AYES.

Messrs. Ashley, Burton, De La Guerra, Heintzelman, Westmoreland—5.

NOES.

Messrs. Burnett, Bynum, Cosby, Crandall, Day, Dosh, Ferguson, Fiske, French, Gove, Hawks, Hawthorne, Hook, Lippincott, McCallum, McCoun, Norman, Shaw, Wilson—19.

So the motion was lost.

Mr. McGee moved to lay the Bill on the table.

The ayes and noes were demanded by Messrs. Norman, McCallum and McGee, with the following result :

## AYES.

Messrs. Burton, Bynum, Cosby, Heintzelman, Mandeville, McGee, Shaw, Waite and Westmoreland—9.

## NOES.

Messrs. Ashley, Burnett, Crandall, Day, De la Guerra, Dosh, Ferguson, Fiske, French, Gove, Hawthorne, Hook, Lippincott, McCallum, McCoun, Norman and Wilson—17.

So the motion was lost.

On motion of Mr. French, the question was first taken on the motion to strike out.

The ayes and noes were demanded by Messrs. Norman, McGee and McCallum, with the following result :

## AYES.

Messrs. Ashley, Burton, Bynum, Cosby, Crandall, De la Guerra, Dosh, Heintzelman, McGee, Norman, Shaw and Waite—12.

## NOES.

Messrs. Burnett, Day, Ferguson, Fiske, French, Gove, Hawks, Hawthorne, Hook, Lippincott, Mandeville, McCallum, Westmoreland and Wilson—14.

So the motion was lost.

On motion of Mr. Lippincott, the vote was reconsidered by which his amendment to Section Six was adopted.

Mr. Lippincott then withdrew the amendment.

Mr. Westmoreland offered the following amendment to the Bill :

"That the sum of \$24,000 be, and is hereby appropriated, for the route from Auburn, in Placer County ; thence to Iowa Hill ; thence to Strong's Diggings ; thence by the best route to Carson Valley."

Rejected.

Mr. Hawks moved that the Bill be considered engrossed and read a third time.

Mr. French demanded the previous question.

Sustained.



And the question being, "Shall the main question be now put?"

The ayes and noes were demanded by Messrs. Hawks, Day and Westmoreland, with the following result:

AYES.

Messrs. Burnett, Bynum, Coffroth, Crandall, Day, Dosh, Ferguson, Fiske, French, Gove, Hawks, Hook, Lippincott, McCoun, Norman and Wilson.—16.

NOES.

Messrs. Ashley, Burton, Cosby, De la Guerra, Hawthorne, Heintzelman, Man-deville, McCallum, McGee, McNeill, Shaw, Waite and Westmoreland.—13.

So the motion was carried.

The question recurring on the motion to consider the Bill engrossed for a third reading:

The ayes and noes were demanded by Messrs. Heintzelman, Ashley and Man-deville, with the following result:

AYES.

Messrs. Burnett, Bynum, Coffroth, Crandall, Day, Dosh, Ferguson, Fiske, French, Gove, Hawks, Hook, Lippincott, McCallum, McCoun, Norman and Wilson.—17.

NOES.

Messrs. Ashley, Burton, Cosby, De la Guerra, Hawthorne, Heintzelman, Man-deville, McGee, McNeill, Shaw, Waite and Westmoreland.—12.

So the motion prevailed.

Mr. Westmoreland moved to adjourn.

Lost.

On motion of Mr. McCoun, Senate Bill No. 63, for An Act to grant the Right of Way for a Railway and Wagon Road across the waters of the Bay of San Francisco, to certain persons therein named, was made the Special Order for Wednesday next, at 12 o'clock M.

Mr. Hawks introduced the following Bills:

An Act for the Relief of Daniel Aldrich; and

An Act for the Relief of Robert G. Crozier.

Read a first and second times and referred to Committee on Claims.

Mr. McCollum presented the following report:

*Mr. President :*

The Committee on Engrossed Bills has examined Senate Bill No. 48, An Act amendatory of "An Act to provide revenue for the support of the Government of this State," passed April 27, 1855; and

Senate Bill No. 138, An Act supplemental to an Act entitled "An Act making appropriations for the civil expenses of the Government of this State," approved March 15, 1856, and find the same correctly engrossed.

McCALLUM,  
Chairman.

On motion, the Senate adjourned.

---

## IN SENATE.

TUESDAY, March 25, 1856.

Senate met pursuant to adjournment.

Mr. Ashley, President *pro tem.* in the chair.

Prayer by Rev. Mr. Pratt.

Journal of yesterday read and approved.

Mr. French presented the weekly account of the Sacramento Postmaster.

Referred to the Committee on Contingent Expenses.

Mr. Hook presented the accounts of Messrs. McNish and Hood.

Referred to the Committee on Contingent Expenses.

Mr. Benton presented the following report :

*Mr. President :*

Your Committee on Enrollment, has examined and find correctly enrolled the following Bills :

An Act concerning the office of Public Administrator in the Counties of Nevada, Sacramento, Monterey and Amador ; also,

An Act entitled An Act fixing the time of holding the Court of Sessions, the County Court, and the Probate Court, in and for the County of Solano ; also,

An Act for the protection of Actual Settlers and to quiet Land Titles in this State; also,

Concurrent Resolution in relation to an additional Land Office in the Northern portion of this State; and

Concurrent Resolution in relation to the passage of a new General Postage Law.

E. T. BURTON.

Mr. Hook presented the following report:

*Mr. President :*

Your Committee on Public Roads and Highways, has had under consideration Senate Bill No. 116, entitled An Act to amend "An Act concerning Roads and Highways," passed April 28, 1855, and begs leave to report a substitute and recommend its adoption.

HOOK.

On motion of Mr. Heintzelman the Bill was considered engrossed, read a third time and passed.

Mr. Coffroth presented the following report:

*Mr. President :*

The Committee on Corporations, to which was referred An Act to provide for the Incorporation of Towns, reports the same back with an amendment, and after its adoption recommends the passage of the Bill.

Amend Section 6, 20th line, after word "exceeding" insert "one half of"—

J. W. COFFROTH.

The bill was placed on the Calendar.

Mr. Fiske presented the following report:

*Mr. President :*

The Committee on Counties and County Boundaries, to which was referred Assembly Bill No. 36, An Act to amend "An Act dividing the State into Counties and establishing the Seats of Justice therein," passed April 25, 1851, has had the same under consideration and would respectfully report the same back to the Senate and recommend its passage.

HENRY M. FISKE.

The Bill was placed on the Calendar.

Mr. Ferguson presented the following report:

*Mr. President :*

The Judiciary Committee to which was referred Senate Bill No. 122, entitled An Act to create an Inspector of Pork, Beef and Salt Provisions, and defining the duties thereof, in and for the County and City of San Francisco, has had the same under consideration and recommend the same to the consideration of the Senate.

The Committee would further add, that while, from all the information they

can collect, they suppose an Institution of the character contemplated in the Bill is desirable, they are wholly unacquainted with the propriety of its details, not being posted upon the wants of the Pork and Beef department of San Francisco; and while they appreciate the compliment paid them by the reference of the Bill, and while they are unanimously in favor of both beef and pork, when well roasted, they cannot exactly see the propriety of its reference to the Judiciary Committee, and would respectfully ask to be discharged from its further consideration.

W. I. FERGUSON,  
Chairman.

The Bill was placed on the Calendar.

Mr. Coffroth presented the following report:

*Mr. President:*

The Committee on Corporations, to which was referred Senate Bill No. 142, An Act amendatory of An Act to authorize the formation of Corporations, etc., reports the same back and recommend its passage.

J. W. COFFROTH.

The bill was placed on the Calendar.

Mr. Lippincott presented the following report:

*Mr. President:*

The Yuba Delegation, to which was referred Senate Bill No. 158, respectfully reports the same back and recommend its passage.

CHAS. E. LIPPINCOTT.

On motion the Bill was taken up, considered engrossed, read a third time and passed.

Mr. De la Guerra presented the following report:

*Mr. President:*

The Special Committee to which was referred An Act concerning proceedings in Courts being in the Spanish language, begs leave to report the same back to the Senate, recommending its passage.

ASHLEY,  
Chairman.

On motion the Bill was taken up, considered engrossed, read a third time and passed.

The following message was received from his Excellency, the Governor:

EXECUTIVE DEPARTMENT,  
Sacramento City, March 22, 1856. }

*To the Senate of California:*

To your honorable Body, in which the same originated, I return without approval, An Act amendatory of, and supplementary to the "Act to Incorporate the City of Marysville," approved March 5th, 1855.



The objections to this Act are found in Section fifth, which prescribes as follows: "Section eleven of article four, of 'An Act to Incorporate the City of Marysville,' approved March 5th, 1855, is hereby amended so as to read as follows:

Section eleven. It shall be the duty of the Clerk of the city to procure from the County Assessor a list of all the taxable property, real and personal, within the city, and a list of all the names and occupations of all the residents within the city, and furnish the Marshal with the same, which list, subject to the approbation of the Common Council, shall be the assessment roll, and basis of taxation for municipal purposes, and such list of taxable property, shall be furnished on or before the first Monday of August in each year. The County Assessor shall furnish such lists as above mentioned to the City Clerk, for which he shall not charge or receive from the city more than the sum of eight hundred dollars in any one year."

It will be perceived by the section just quoted, the office of Assessor for the municipal government, is dispensed with, and the Assessment roll of the County Assessor made for State and County purposes, constituted the basis of taxation for the municipal government.

Section thirteen of article eleven, State Constitution defines the mode and manner of assessments as follows: "Assessors and Collectors of Town, County and State Taxes, shall be elected by the qualified electors of the District, County or Town in which the property taxed for State, County, or Town purposes, is situated."

Thus it is clearly shown to be indispensably necessary the election of an Assessor for the municipal government, independent of a County Assessor, and the effort to collect taxes, on the basis of an assessment made by such County Assessor would be wholly ineffectual, and the City Government of Marysville, would be left without the power of collecting any revenue on real or personal property.

It is true the County Assessor is voted for by the "qualified electors" of the city as well as the county beyond the city limits; yet the word *voted* must not be confounded with the word *elected*; as oftentimes a candidate for County Assessor receives a majority within the city limits which would elect him so far as the city is concerned, yet the preponderance of votes received in the remainder of the county by an opposing candidate, may serve to give an absolute majority of the entire county vote to such opposing candidate, and invest him with the duties of the office. This feature of the Constitution which concedes to the tax payer the election of Assessor and Collectors of public revenue, belongs to them solely. This power is granted them that they may more effectually prevent the abuses incident to the assessment and collection of taxes which they are required to pay for the support of government, be it Municipal, County or State; a right which they cannot be legally deprived of, without invalidating the entire process of tax collecting. It is probably, in some instances, a matter of regret that a two-fold expense is to be borne by the tax payers of a town or city, for the assessment of the same property; and the subject has attracted much attention, with a view to remedy the evil complained of, but I believe it is now generally conceded that no such amalgamation of State, County and Municipal duties, can be legally devolved upon a County Assessor, under the Constitution as it now exists.

I would remark that the section of the former Act, of which this is amendatory, embodies a similar provision, so far as relates to the mode of obtaining an assessment roll, and the only change proposed in this section is to restrict the amount to be paid the County Assessor for such assessment roll, and therefore it may be said the Constitutional objection cannot apply with like degree of force as if this were an original enactment.

With the responsibility of the former Act I have nothing to do, the present is reaffirming an Act, in this particular I believe to be unconstitutional, and were I to give it my approval it would be in utter violation of that instrument, as I am induced to regard it, and would but illy accord with a proper understanding of my own duties and responsibilities.

Wherefore, though with great reluctance, I am compelled to submit this Act for your further action and disposition, and whilst so doing it may not be improper in view of the fact that a subject of so much importance to the citizens and authorities of Marysville as the collection of their revenues, which is wholly dependent on the solution of a question that, to say the least, is of doubtful character, to recommend for the consideration of those more immediately interested in the legislation for that city, a change in the Act of incorporation, so as to obviate the doubts which have been frequently expressed, as to the constitutionality of such a mode of assessment.

J. NEELY JOHNSON.

On the question of passing the Bill, notwithstanding the objections of the Governor, the roll was called, with the following result:

AYES.

Messrs. Burnett, Coffroth, Crandall, Dosh, Ferguson, French, Heintzelman, Lippincott and Rust—9.

NOES.

Messrs. Ashley, Burton, Bynum, Cosby, Day, Fiske, Hawthorne, Hook, Mandeville, McCallum, McCoun, McGee, McNeill, Scellen, Waite and Wilson—16.

So the Senate refused to pass the Bill.

The hour for the consideration of the Special Order having arrived, the Senate took up Senate Substitute for Assembly Bill No. 6, An Act concerning the War Debt of this State, and for the Redemption thereof.

Mr. Coffroth moved to make the Bill the Special Order for Thursday next, at 12 o'clock, M.

The ayes and noes were demanded by Messrs. French, Hook and Tilford, with the following result:

AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Ferguson, Fiske, Flint, Hawthorne, McCallum, McCoun, McGee, Rust, Scellen and Waite—16.

NOES.

Messrs. Day, De la Guerra, Dosh, French, Hook, Lippincott, Mandeville, McNeill, Norman, Shaw, Tilford and Wilson—12.

So the motion prevailed.

The following message was received from the Senate:

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed Senate Bill No. 134, An Act to establish Pilots and Pilot Regulations, for the port and harbor of Benicia and Mare Island; also,

Assembly substitute for Assembly Bill No. 27, entitled An Act concerning Estray Animals; also,

Assembly Bill No. 118, entitled An Act to define the time when the County Officers of Sierra County shall enter upon the discharge of their duties; and

Assembly Bill No. 78, entitled An Act to provide for the erection of a Jail in the County of Tuolumne.

Respectfully Submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Bill No. 118, was read a first and second times.

Referred to Senator Scellen.

Assembly Bill No. 27, was read a first and second times.

Referred to the Committee on Agriculture.

Assembly Bill No. 78, was read a first and second times.

Referred to the Tuolumne delegation.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate, that the Assembly have passed Assembly Bill No. 152, An Act granting the privilege to Robert Halsey and others, to erect and build a Wharf on the Ranch of San Pablo, in Contra Costa County.

Respectfully Submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Bill No. 152, was read a first and second times.

Referred to Senator McCoun.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed Senate Bill No. 105, An Act concerning Official Advertisements and to provide for their payment; and

Assembly Bill No. 228, An Act to authorize the Courts of Record of this State to admit Alfred W. Hascombe, to practice as an Attorney and Counselor at Law.

Respectfully Submitted,

J. M. ANDERSON.  
Clerk of Assembly.

Assembly Bill No. 228, was, on motion, considered engrossed, read a third time and passed.

Mr. Bynum moved to take up Assembly Bill No. 36.

Lost.

Mr. Burton offered the following resolution which was lost:

*Resolved*, That all Standing and Special Committees of the Senate be required to report to the Senate all Bills in their possession on or before Tuesday next.

According to previous notice, Mr. Rust introduced a Bill for An Act to authorize suits against this State.

Read a first and second times, and referred to the Judiciary Committee.

According to previous notice, Mr. Ferguson introduced a Bill for An Act amendatory of and supplementary to An Act to incorporate the City of Sacramento.

Read a first and second times, and referred to the Sacramento delegation.

Mr. Mandeville gave notice that he would, on to-morrow, move an amendment to the Standing Rules of the Senate.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly have passed Senate Bill No. 125, An Act to fund the debt of Sierra County, and to provide for the payment of the same.

Respectfully Submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Bills on their third reading—

Assembly Bill No. 57, for An Act to amend "An Act to provide for the Incorporation of Railroad Companies," passed April 22, 1853, and amended May 15, 1854, and amended April 10, 1855, was read a third time and passed.

Senate Bill No. 138, for An Act supplemental to an Act entitled "An Act making appropriations for the civil expenses of the Government of this State," approved March 15, 1856, was read a third time and passed.

Senate Bill No. 79, An Act to regulate and define the duties of Auctioneers in this State, came up on its third reading.

Mr. McCallum moved to indefinitely postpone the Bill.

The ayes and noes were demanded by Messrs. Hawks, McCallum and French, with the following result:



AYES.

Messrs. Ashley, Crandall, French, Heintzelman, Hook, Mandeville, McCallum and Waite—8.

NOES.

Messrs. Burnett, Burton, Bynum, Day, De la Guerra, Dosh, Ferguson, Flint, Hawks, Hawthorne, Lippincott, McCoun, McGee, McNeill, Rust and Shaw—16.

So the motion was lost.

Mr. Hawks moved that the Bill be read a third time and passed.

The ayes and noes were demanded by Messrs. McCallum, Heintzelman and Hawks, with the following result:

AYES.

Messrs. Burnett, Burton, Bynum, Ferguson, Flint, Gove, Hawks, Hawthorne, Lippincott, Norman, Shaw and Tilford—12.

NOES.

Messrs. Ashley, Crandall, Dosh, French, Heintzelman, Mandeville, McCallum, McGee and Waite—9.

So the motion prevailed, and the Bill was read a third time and passed.

Mr. French gave notice that he would, on to-morrow, move a reconsideration of the vote just taken.

On motion of Mr. Gove. Senate Bill No. 86, An Act to provide for the payment of the salary of the County Judge of Sacramento County, was taken up.

Mr. Ferguson moved that the Bill be considered engrossed, read a third time, and passed.

The ayes and noes were demanded by Messrs. Hawks, Ferguson and Gove, with the following result:

AYES.

Messrs. Burnett, Burton, Bynum, Coffroth, Cosby, Dosh, Ferguson, Flint, French, Gove, Hawks, Hawthorne, McCoun, McNeill and Rust—15.

NOES.

Messrs. Ashley, Heintzelman, Hook, Lippincott, Mandeville and Waite—6.

So the motion prevailed, and the Bill was considered engrossed, read a third time and passed.

Assembly Bill No. 54, authorizing David Ghirkey and others, to build a wharf at Santa Cruz, was taken up, considered in Committee of the Whole, amended, and reported back to the Senate.

On motion, the Bill was read a third time and passed.

Assembly Bill No. 55, An Act authorizing J. E. Davis and A. P. Jordan, and others, to construct a wharf at Santa Cruz, was taken up, considered in Committee of the Whole, and reported back to the Senate.

On motion, the Bill was read a third time and passed.

Mr. Rust moved to take up the rule submitted to the Senate by him on yesterday, relating to the exclusion of new business from the present session of the Senate, after a certain specified period, excepting on certain conditions.

Lost.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills has examined Senate Bills No. 162, An Act concerning Proceedings in Courts being in the Spanish Language ; and

An Act supplemental to an Act entitled "An Act making Appropriations for the Civil Expenses of the Government of the State," approved March 15th, 1856, and find the same correctly engrossed.

McCALLUM,  
Chairman.

Senate Bill No. 162 was read a third time and passed.

Senate Bill No. 138, making appropriations for the Civil Expenses of the Government of the State, was read a third time and passed.

Assembly Bill No. 100, An Act to legalize the Incorporation of the Town of Santa Clara, was taken up, read a third time, and passed.

Senate Bill No. 127, An Act authorizing the Funding of the Debt of the City of San José and provide for the payment of the same, was read a third time and passed.

Senate Bill No. 59, An Act declaring Mining Claims to be Personal Property, was taken up, and,

On motion of Mr. Mandeville, was indefinitely postponed.

Senate Bill No. 95, entitled An Act for the Relief of Luther Wright, was taken up.

On motion of Mr. Mandeville was indefinitely postponed.

Substitute Bill No. 67, of Military Committee, for Senate Bill No. 67, An Act authorizing the Treasurer of State to issue bonds for the payment of the expenses of the Volunteer Companies under Captain Wm. Martin, Captain Wm. White, Captain Daniel Reams, Captain Thomas B. Lynch, and Captain F. M. Kelly, in suppressing Indian hostilities in the northern frontier of the State of California, in the year 1855, was read a third time and passed.

Senate Bill No. 71, for An Act to amend an Act entitled "An Act to suppress Houses of Ill-Fame," was taken up, considered in Committee of the Whole, amended, and reported back to the Senate.

On motion, the committee amendments were concurred in.

Mr. McCallum moved to lay the Bill on the table.

Lost.

The question recurring on placing the Bill on its third reading, the ayes and noes were demanded by Messrs. Hawks, Heintzelman and Hawthorne, with the following result:

AYES.

Messrs. Burnett, Burton, Bynum, Crandall, Day, De la Guerra, Fiske, French, Gove, Heintzelman, Mandeville, McCallum, McNeill, Shaw and Waite—15.

NOES.

Messrs. Ashley, Dosh, Ferguson, Flint, Hawks, Hawthorne, Hook, Lippincott Norman and Rust—10.

So the Bill was ordered to be engrossed for a third reading.

Mr. Burton presented the following report:

*Mr. President:*

Your Committee on Enrollment has examined and found correctly enrolled, an Act entitled An Act concerning Official Advertisements and to provide for their Payment.

E. F. BURTON.

Senate Bill No. 119, An Act fixing the times at which Representatives to Congress shall be elected, was taken up.

Mr. Heintzelman moved to strike out the enacting clause of the Bill.

The ayes and noes were demanded by Messrs. Hawks, Ferguson and Heintzelman, with the following result:

AYES.

Messrs. Burnett, Bynum, Cosby, Crandall, Dosh, Ferguson, Flint, French, Gove, Hawks, Heintzelman, Hook, Lippincott, McCoun and Norman—15.

NOES.

Messrs. Ashley, Burton, Fiske, Hawthorne, Mandeville, McCallum, McNeill, Rust, Shaw and Waite—10.

So the motion prevailed.

Mr. Burnett asked leave to introduce a Bill to amend the Charter of Marysville.

The ayes and noes were demanded by Messrs. Burnett, Ferguson and McCoun, with the following result:

## AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Day, Dosh, Ferguson, Fiske, Hawks, Hawthorne, McCallum, McCoun, Rust and Waite—15.

## NOES.

Messrs. Crandall, De la Guerra, Flint, French, Gove, Hook, Lippincott, Mandeville, McNeill, Norman and Shaw—11.

The motion, requiring a two-thirds vote, did not prevail.

On motion of Mr. Waite, the Senate adjourned.

---

IN SENATE.

WEDNESDAY, March 26, 1856.

Senate met pursuant to adjournment.

Lieutenant Governor in the Chair.

Prayer by the Rev. Mr. Pratt.

Journal of yesterday read and approved.

Mr. Fiske presented the following report:

*Mr. President :*

The Committee on Hospitals, to which was referred the claim of Henry Pendergrast & Co., for rent for Storeship Antarus, as a Hospital, in the fall and winter of 1852, has had the same under consideration, and would respectfully report that sufficient evidence has not been presented to convince it of the justness of the claim.



Your Committee believes that none such exists, either in law or equity. It appearing from the evidence before it, that Dr. Brierly was the proper officer to settle the same; and the papers show conclusively that such settlement was made at the proper time by him, in his official capacity. Your Committee would therefore recommend, that the petitioners have leave to withdraw their papers, and that no further action be taken in the premises.

HENRY M. FISKE,  
Chairman.

The report of the Committee was concurred in.

Mr. Flint presented the following report :

*Mr. President :*

Your Committee on Contingent Expenses, has examined the accounts of J. C. Doherty, for sundries furnished the Senate, as per bills of January 10th and March 10th, and begs leave to report, that he be paid \$117 50 therefor; also, report in his favor for an account for labor performed and certified to by Charles H. Hempstead, late Secretary of State, for \$144—making a total of \$315 50 in his favor.

A resolution is herewith reported for his payment.

WILSON FLINT.

The following resolution accompanied the report :

*Resolved*, That the Controller is hereby authorized to draw his warrant on the Treasurer in favor of J. C. Doherty, for \$315 50, for services and sundries furnished the Senate, as per bills of items, and the same shall be paid out of the contingent fund of the Senate.

The report and resolution were placed on the Calendar.

Mr. Flint reported the following :

*Mr. President :*

Your Committee on Commerce and Navigation, has had under consideration the Bill to confirm to Salsbury Haley a certain contract with the Trustees of the City of Monterey, for the building of a Wharf, and beg leave to report an additional Section and recommend its passage as amended.

WILSON FLINT,  
Chairman.

The bill was placed on the Calendar.

Mr. Burton presented the following report :

*Mr. President :*

Your Committee on Enrollment, presented to the Governor, yesterday, An Act concerning the office of Public Administrator in the Counties of Nevada, Sacramento, Monterey and Amador; also,

An Act fixing the times for holding the Court of Sessions, the County Court and Probate Court in and for the County of Solano; also,

An Act for the Protection of Actual Settlers and to Quiet Land Titles in this State; and

An Act concerning Official Advertisements and to provide for their payment.

E. F. BURTON.

Mr. Bynum presented the following report:

*Mr. President :*

Your Committee on Education, to which was referred Senate Bill No. 114, entitled An Act to provide for the disposal of the forty-six thousand and eighty acres of Land, donated to the State of California for Seminary purposes, has had the same under consideration and respectfully asks leave to report the same back for the consideration of the Senate.

S. BYNUM.  
Chairman.

The Bill was placed on the Calendar.

Mr. Bynum presented the following report:

*Mr. President :*

Your Committee on Public Lands, to which was referred Senate Bill No. 146, entitled An Act to Lease to Jonathan Williams tule lands in the County of Yolo, has had the same under consideration, and respectfully recommend that the same be amended by striking out the words "twenty-five," in the fourteenth line of the Act, and the insertion of "ten," in lieu thereof, and further, recommend the passage of the Act with such amendment.

S. BYNUM.

The Bill was placed on the Calendar.

Mr. McCoun presented the account of Wade & Flower for professional services.

Referred to Committee on Claims.

Mr. McCallum presented the following report:

*Mr. President :*

The Committee on Engrossed Bills has examined Senate Bill No. 158, An Act concerning the Records of Yuba County; and

Senate Bill No. 123, An Act to provide for the survey and construction of Immigrant Wagon Roads across the Sierra Nevada Mountains, and find the same correctly engrossed.

McCALLUM,  
Chairman.

Mr. Coffroth presented the following report:

*Mr. President :*

The Special Committee to which was referred Senate Bill No. 106, An Act to fund the indebtedness of the State, now existing in the form of Controller's Warrants drawn on the General Fund, or that may be outstanding on the 1st of Jan-

uary 1857, or Warrants issued after January 1st, 1857, for indebtedness accruing prior to January 1st 1857; and

Senate Bill No. 107, "An Act concerning the office of Treasurer of State," approved March 16, 1855, has given the same a close consideration and report the same back with amendments, and recommend their passage.

J. W. COFFROTH.

The bills were made the special order for to-morrow at half past one o'clock.

Mr. Day presented the following report:

*Mr. President:*

The Select Committee to which was referred Assembly Bill No. 254, An Act to authorize the Sheriff of Alameda County to collect the delinquent taxes for the years 1854, 1855 and 1856, has had the same under consideration and herewith report the same back and recommend its passage. The bill was taken up read a third time and passed; and

The Special Committee to whom was referred Assembly Bill No. 45, An Act to repeal an Act entitled "An Act to repeal An Act entitled An Act to create a Board of Supervisors for the County of Alameda and to provide for the Government of said County," has had the same under consideration, and herewith report it back and recommend its passage.

S. DAY,  
Special Committee.

Mr. Flint moved that the bill be laid upon the table.

The ayes and noes were demanded by Messrs. French, Hook and Crandall with the following result:

AYES.

Messrs. Bynum, Flint, Gove, Hawthorne, Mandeville, McNeill, Rust and Tilford—8.

NOES.

Messrs. Burnett, Burton, Cosby, Crandall, Day, De la Guerra, Dosh, Fiske, French, Heintzelman, Hook, McGee, Norman, Waite—14.

So the motion was lost.

On motion of Mr. Day the bill was read a third time and passed.

Mr. Ashley reported back Senate Bill No. 149, An Act concerning the Debt and the Current Expenses of the County of Monterey and to provide for the funding and the payment of the same, which was considered engrossed, read a third time and passed.

Mr. Ashley reported back Senate Bill No. 152, An Act to amend An Act to Incorporate the City of Monterey, which was considered engrossed, read a third time and passed.

Mr. Heintzelman presented the following report:

*Mr. President :*

Your Committee on Agriculture beg leave to report that they have had under consideration Assembly Bill No. 27, entitled An Act concerning Estray Animals, and report the same back to the Senate and recommend its passage.

H. P. HEINTZELMAN,  
Chairman.

The bill was placed on the Calendar.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills has examined Senate Bill No. 71, An Act to amend An Act entitled "An Act to suppress Houses of Ill-Fame," approved April 2d, 1855, and find the same correctly engrossed.

McCALLUM,  
Chairman.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee to which was referred Senate Bill No. 135, entitled An Act amendatory of the Act entitled "An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State," passed April 29th, 1851, has had the same under consideration and recommend its passage, with the following amendment at the end of the bill.

W. I. FERGUSON,  
Chairman.

On motion of Mr. Shaw, the bill was laid on the table.

Mr. Hawks presented the following report :

*Mr. President :*

The San Francisco Delegation to which was referred Senate Bill No. 125 for An Act entitled An Act to regulate Fees of Office, approved April 20, hereby return said Bill, and the Delegation recommend the adoption of a substitute hereunto submitted.

Respectfully,

F. TILFORD,  
WILSON FLINT,  
WM. J. SHAW,  
W. W. HAWKS.

The substitute was adopted and placed on the Calendar.

Mr. Flint presented the following report :

*Mr. President :*

Your Committee on Contingent Expenses has had under consideration the bills of R. N. Snowden, Andrew Brady, W. P. C. Stebbins and M. T. Butler for mileage and fees as witnesses, and beg leave to report the amounts allowed each are in



conformity to Senate resolution making their compensation the same as fees and mileage allowed in civil cases.

R. A. Snowden.....	\$94 00
Andrew Brady.....	90 00
W. P. C. Stebbins.....	27 50
M. F. Butler.....	19 60

A resolution is herewith reported for their payment as above.

WILSON FLINT.

The following resolution accompanied the report.

*Resolved*, That the Controller is hereby authorized to draw his warrant on the Treasurer in favor of

R. N. Snowden.....	\$94 00
Andrew Brady.....	90 00
W. P. C. Stebbins.....	27 50
M. F. Butler.....	19 60

For witness fees and mileage in attendance to the State Prison Committee, and the same shall be paid out of the Contingent Fund of the Senate.

The resolution was placed on the Calendar.

The following Message was received from the Assembly :

ASSEMBLY CHAMBER, }  
March 26th, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly, on this day, passed the accompanying Joint Resolution relative to the establishment of an additional Land Office in the southern portion of this State.

Respectfully,

ALEX. M. HAYDEN,  
Ass't Assembly Clerk.

*Resolved*, By the Senate and Assembly, that our Senator be instructed and our Representatives in Congress be requested to exert their most strenuous efforts to procure the establishment of an additional Land Office District in the southern portion of this State ; and that said office be established at Visalia, Tulare County, in accordance with a similar resolution passed last session.

*Resolved*, That the Governor be requested to send a copy of these resolutions to each of our Representatives in Congress.

On motion of Mr. McNeil the resolution was concurred in.

The following Message was received from the Assembly :

ASSEMBLY CHAMBER, }  
March 25th, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly has passed Assembly concurrent resolution in relation to the extinguishment of Indian Titles to lands in this State.

Respectfully Submitted,

J. M. ANDERSON,

Clerk of Assembly.

*Resolved*, By the Assembly, the Senate concurring, that our Senator and Representatives in Congress be requested to urge upon Congress the necessity of immediate action to provide some means for the extinguishment of Indian Land Titles to lands in this State.

*Resolved*, That the Governor of this State be and is hereby requested to transmit copies of these resolutions to our Senator and Representatives in Congress.

W. H. McDONALD.

Mr. Ferguson presented the following preamble and resolutions, which were referred to the Committee on Federal Relations.

WHEREAS, The rapidly increasing commerce on the Pacific Coast demands of the National Government the fostering care and protection which is essential to its permanence and future advancement; *and whereas*, by an existing commercial convention between the United States Government and the Emperor of all the Russias, there are restrictive and prohibitory clauses in said commercial treaty calculated to materially injure the interests of the commerce of the Pacific Coast; to wit: in the Commercial Convention held at St. Petersburg, Russia, on the 8th April, 1824, and ratified at Washington on the 11th January, 1825, said Commercial treaty signed by Hon. Henry Middleton, Minister Plenipotentiary of the United States Government at St. Petersburg, and Le Comte Charles Nesselrode, the Privy Councillor for and on behalf of the Emperor of all the Russias, also by Pierre de Poletica, it is stipulated as follows: "Art. 3. It is moreover agreed that hereafter there shall not be formed by the citizens of the United States or under the authority of said States, any establishment on the North-west Coast of America, nor on any of the Islands adjacent, to the North of 54° 40' North latitude, and that in the same manner there shall be none formed by Russian subjects or under the authority of Russia South of the same parallel;" *and, whereas*, the said article virtually prohibits the citizens of the citizens of the United States from trading or establishing trading posts in said Russian possessions on the North Pacific, whereby great monopolies now exist in articles of commerce, which have become necessities of life, among others, the article of Sitka Ice; *and whereas*, said trade is drawing from the wealth of the State hundreds of thousands of dollars annually; now, therefore, be it

*Resolved*, By the Senate, the Assembly concurring, that our Senator in Congress be instructed and our Representatives requested to urge on the proper authorities of the National Government such a modification of the commercial convention before recited, as will enable the citizens of the United States on the Pacific Coast to trade free and unrestricted, and to establish such depots for trade upon the North Pacific as far North as latitude 60° giving and granting to the subjects of the Emperor of Russia the same rights and privileges to trade free and establish trading posts as far South as 39° 20' N. latitude.

*Resolved*, That the Congressional Delegation urge immediate action on this matter, which so materially affects the future commercial interests of the State of California, and the whole of our national possessions on the North Pacific Coast.

*Resolved*, That his Excellency, the Governor, be requested to forward forthwith, copies of this preamble and resolutions to our Senator and Representatives in Congress, and such officers of the Federal Government as he in his judgment may deem instrumental in furthering the accomplishment of the objects herein described.

The hour for the consideration of the special order having arrived, the Senate considered as in Committee of the Whole, Senate Bill No. 63, for An Act to grant the right of way for a Railway and Wagon Road across the waters of the Bay of San Francisco, to certain persons therein named, which was amended and reported back to the Senate.

On motion the Committee amendments were all concurred in excepting section six, offered by Mr. Norman.

On the question of adopting section six, the ayes and noes were demanded by Messrs. McCoun, Norman and McCallum, with the following result:

AYES.

Messrs. Ashley, Burton, Day, Dosh, Flint, French, Hook, Mandeville, McNeill, Norman Shaw, Tilford and Waite—13.

NOES.

Messrs. Burnett, Bynum, Cosby, Ferguson, Hawks, Hawthorne, McCallum, McCoun, McGee, Rust and Scellen—11.

So the amendment was adopted.

Mr. Hawks moved to lay the Bill upon the table.

Lost.

Mr. Tilford moved that the Bill be indefinitely postponed.

The ayes and noes were demanded by Messrs. Tilford, Hook and Burton with the following result:

AYES.

Messrs. Ashley, Burton, Day, Dosh, Fiske, Flint, French, Mandeville, McCallum, McNeill, Norman, Shaw, Tilford and Waite—14.

NOES.

Messrs. Burnett, Bynum, Cosby, Ferguson, Hawks, Hawthorne, Hook, McCoun, McGee, Rust and Scellen—11.

So the Bill was indefinitely postponed.

Mr. Shaw moved to reconsider the vote just taken.

Mr. Tilford moved to indefinitely postpone the motion to reconsider.

Carried.

On motion of Mr. Hawthorne, leave of absence for an indefinite period, was granted to Mr. Westmoreland.

The following Message was received from the Assembly:

ASSEMBLY CHAMBER, }  
March 26th, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly has passed Senate Bill No. 58, An Act making appropriations to meet deficiencies in appropriations heretofore made to defray the civil expenses of the Government from the 1st day of February 1855, until the 1st day of February 1856, with amendments as therein shown.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

The bill was taken up and considered by the Senate :

On the question of concurring in the first amendment proposed by the Assembly, to strike out \$1,537 50, as the account of Mr. Wattles, and insert \$1,921 87, the Senate concurred in the same.

On the question of concurring in the Assembly amendment to allow Wells, Fargo & Co., \$5,783.

The ayes and noes were demanded by Messrs French, Coffroth and Hawthorne with the following result :

AYES.

Messrs. Burnett, Bynum, Coffroth, Cosby, De la Guerra, Dosh, Ferguson, Flint, Gove, Hawks, Hawthorne, McCoun and Rust—13.

NOES.

Messrs. Ashley, Burton, Crandall, Fiske, French, Heintzelman, Hook, Lippincott, Mandeville, McCallum, McNeill, Norman, Shaw and Waite—14.

So the Senate refused to concur.

The question arose on adopting Assembly amendment for the payment of \$1,000 to Wm. M. Low; pending which,

Mr. Norman moved to adjourn.

The ayes and noes were demanded by Messrs. Rusk, Fiske and French, with the following result :



AYES.

Messrs. Burnett, Crandall, De la Guerra, Ferguson, French, Gove, Hawthorne, Mandeville, McCoun, McGee and Norman—11.

NOES.

Messrs. Burton, Bynum, Cosby, Day, Dosh, Fiske, Heintzelman, Lippincott, McNeill, Rust, Shaw and Waite—12.

So the Senate refused to adjourn.

Some discussion ensued, when Mr. Burnett moved to adjourn.

The ayes and noes were demanded by Messrs. Heintzelman, Coffroth and Day, with the following result:

AYES.

Messrs. Burnett, Bynum, Crandall, De la Guerra, Ferguson, Gove, Hawthorne, Mandeville, McCoun, McGee, McNeill and Rust—12.

NOES.

Messrs. Ashley, Burnett, Coffroth, Cosby, Day, French, Heintzelman, Hook, Lippincott, Shaw and Waite—11.

So the Senate stood adjourned.

---

IN SENATE.

THURSDAY, March 27, 1856.

Senate met pursuant to adjournment.

Lieutenant Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of yesterday read and approved.

Mr. Coffroth presented a petition from citizens of Tuolumne County, praying for a modification of the Foreign Miners' License Tax, so far as it relates to the Chinese.

Referred to the Committee on Mines and Mining Interests.

Mr. Mandeville presented the following report :

*Mr. President :*

Your Committee on Claims to which was referred the claim of A. M. Winn for services as Brigadier-General of the State during the years 1850 and 1851, beg leave to report. From the voluminous documents presented to your committee it appears that Gen. Winn was elected, by the Legislature of this State, Brigadier-General, and that all orders were transmitted through him to the various officers commanding the expedition ; that he was in actual service some two or three months. Your committee are of the opinion that his duties were not very onerous during the greater portion of the time. They are, however, of the opinion that he should receive pay for the time he was in actual service. They therefore recommend that he be allowed the sum of fifteen hundred dollars.

J. W. MANDEVILLE.

A Bill for the relief of Brig. Gen. A. M. Winn accompanied the report.

Read a first and second time, and placed on the Calendar.

Mr. Ashley presented certain papers the subject matter of which had already been acted upon. The papers were placed on file.

Mr. Scellen presented the following report :

*Mr. President :*

The Special Committee to whom was referred Assembly Bill No. 118, entitled An Act to define the time when the county officers of Sierra County shall enter upon the discharge of their duties, beg leave to report the same back with amendments, and recommend its passage as amended.

JOHN D. SCELLEN.

The committee's amendments were concurred in and the bill read a third time and passed.

Mr. Hook presented the following report :

*Mr. President :*

Your Committee on Roads and Highways have had under consideration the memorial of citizens of Siskiyou County with regard to asking of Congress an appropriation of land to aid them in the construction of a road from Shasta to Scott's Valley, and beg leave to report that your Committee fully agree with the memorialists as to the necessity of such road, and, reviewing the impossibility of obtaining from Congress the grant of lands asked for, would recommend that citizens of that section of the country organize under the "Act to Incorporate Turnpike Roads" until such time as the Counties or State may reimburse them for their expenditures, and make said roads free of toll.

HOOK.

The memorial was placed on file.

Mr. Shaw offered the following resolution :

*Resolved*, That the Board of Commissioners created by law to lease the State Prison grounds and property be, and they are hereby, requested to immediately inform the Senate whether they have yet agreed upon any contract for the leasing of the same, and if so, the terms upon which such contract has been concluded.

Mr. Hawks moved to lay the resolution on the table. The ayes and noes were demanded by Messrs. Shaw, Fiske and Crandall with the following result :

## AYES.

Messrs. Burnett, Bynum, Coffroth, Dosh, Ferguson, French, Gove, Hawks, Heintzelman, McCallum, McCoun, McGee, Rust and Scellen—14.

## NOES.

Messrs. Ashley, Burton, Crandall, Day, De la Guerra, Fiske, Hook, Lippincott, Mandeville, McNeill, Norman, Shaw, Tilford and Waite—14.

So the motion was lost.

The vote was then taken on the resolution, and it was adopted.

The first Special Order of the day, being Senate Substitute for Assembly Bill No. 6, relative to the war indebtedness of the State, was taken up.

Mr. Mandeville moved to make the Bill the Special Order for Tuesday next. The ayes and noes were demanded by Messrs. Waite, Scellen and McCoun, with the following result :

## AYES.

Messrs. Cosby, Crandall, Day, De la Guerra, Dosh, Flint, French, Gove, Hawthorne, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, Tilford—18.

## NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Ferguson, Fiske, Hawks, McCallum, McCoun, Scellen, Waite—11.

So the motion was carried.

The second Special Order, being Senate Bill No. 84, to amend the "Act to apportion Senatorial and Assembly Districts of the State," passed May 1st, 1853, was taken up.

Mr. Mandeville moved a call of the Senate. Agreed to.

Mr. Cosby was found to be absent without leave.

On motion of Mr. Day, leave of absence for an indefinite period was granted to Mr. Wilson.

On motion of Mr. Mandeville, further proceedings under the call were dispensed with.

Mr. Burton moved that the Bill (Senate Bill No. 84,) be indefinitely postponed.

Pending the discussion of the motion, a Select Committee of three from the Assembly was announced to ask a hearing of the Senate at its Bar.

On motion, the bill under consideration was laid upon the table.

The Select Committee of the Assembly, consisting of Messrs. McDonald, Peck and Taylor, entered within the Bar of the Senate and presented the following preamble and resolution :

WHEREAS doubts are entertained in regard to the correctness of the engrossed copy of Assembly Bill No. 2, which has been transmitted by the Assembly to the Senate; and, *whereas*, the Assembly deem it due to the dignity of the Assembly and members thereof that an investigation should be had in regard to the supposed errors in said engrossed copy, and certain charges connected therewith; Therefore

*Resolved*, That the Senate be respectfully requested to return said Assembly Bill No. 2 to the Assembly.

*Resolved*, That a committee of three be appointed to wait upon the Senate and present such request.

Mr. Coffroth moved that the Senate Committee to whom the bill in question had been referred be requested to return it to the Senate, and that the request of the Special Committee of the Assembly be complied with.

Mr. Norman offered the following as a substitute to the motion made by Mr. Coffroth :

WHEREAS the united Senatorial Delegation from San Francisco have, in open Senate, pledged their word and their honor to restore the amendment supposed to have been lost; Therefore

*Resolved*, That the Senate most respectfully decline to comply with the request of the Assembly.

The Chair (Mr. French,) decided the substitute out of order, as it was merely equivalent to the original motion.

Mr. Norman appealed from the decision of the Chair.

The question being "Shall the decision of the Chair stand as the judgment of the Senate?" it was decided in the affirmative; and the decision of the Chair was sustained.

Mr. McCoun demanded the previous question.

Sustained.

The question being "Shall the main question be now put?" it was decided in the affirmative.

The question recurring on the adoption of the motion offered by Mr. Coffroth—



The ayes and noes were demanded by Messrs. Coffroth, McCoun and Mandeville, with the following result :

AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Day, Fiske, French, Gove, Hawthorne, Mandeville, McCallum, McCoun, McGee, Scellen and Waite—17.

NOES.

Messrs. Crandall, Dosh, Ferguson, Flint, Hawks, Hook, Lippincott, McNeill, Norman, Rust, Shaw and Tilford—12.

So the motion prevailed.

Mr. Hawks returned the Assembly Bill in question to the Secretary, who, by direction of the Chair, placed it in the hands of the Chairman of the Assembly Select Committee.

On motion, the consideration of Senate Bill No. 84 was resumed.

Mr. Day offered the following amendment to the bill :

On second page of the bill, on the 5th line from the top, strike out the words "the Counties of Santa Clara and Alameda," and insert "the County of Santa Clara;" on the tenth line, strike out the words "and the County of Alameda shall elect one Member of Assembly;" at the end of the Bill, insert the following: "the County of Alameda shall be the Twenty-Third Senatorial District, and shall elect one Senator and one Member of Assembly."

The ayes and noes were demanded by Messrs. McGee, Cosby and De la Guerra, with the following result :

AYES.

Messrs. Burnett, Coffroth, Cosby, Day, Dosh, Ferguson, Fiske, French, McCallum, McGee and McNeill—11.

NOES.

Messrs. Burton, De la Guerra, Gove, Hawthorne, Lippincott, Mandeville, Scellen, Shaw, Tilford and Waite—10.

So the motion prevailed.

The question recurring on the motion to indefinitely postpone the Bill, the ayes and noes were demanded by Messrs. Burton, Lippincott and Cosby, with the following result :

AYES.

Messrs. Burton, Crandall, De la Guerra, Dosh, Fiske, Flint, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McCallum, McNeill, Norman, Rust, Scellen, Shaw, Tilford and Waite—20.

## NOES.

Messrs. Ashley, Burnett, Bynum, Cosby, Day, Ferguson, Hawks, Hawthorne, McCoun and McGee—10.

So the bill was indefinitely postponed.

On motion, the balance of the Special Orders were laid upon the table.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills have examined Senate Bill No. 149, entitled An Act concerning the Debt and the Current Expenses of the County of Monterey and to provide for the Funding and the Payment of the same ; and

Senate Bill No. 152, An Act to amend "An Act to Incorporate the City of Monterey," and find the same correctly engrossed.

McCALLUM,  
Chairman.

Mr. Mandeville called up the resolution offered several days ago by Mr. Rust, relating to the exclusion of new business from the Senate after a certain specified time.

After some discussion and amendment, the resolution was adopted in the following form :

RULE 50.—From and after this day, 27th inst., no new business shall be introduced into the Senate by any Senator without the consent of at least two-thirds of the Senators present.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee, to which was referred Senate Bill No. 41, entitled An Act to amend "An Act Concerning Fraudulent Conveyances," passed April 19th, 1850 ; also

Senate Bill No. 157, entitled An Act to amend "An Act Concerning Fraudulent Conveyances and Contracts," passed April 19th, 1850, have had the same under consideration, and beg leave to offer the following Substitute, and recommend the passage of the same, together with the indefinite postponement of the original bills ; also

Assembly Judiciary Committee Substitute for Assembly Bill No. 69, entitled An Act to amend an Act entitled "An Act to Create a Board of Supervisors in the Counties of this State, and Define their Duties and Powers," passed March 20th, 1852, and recommend its passage ; also

Senate Bill No. 100, entitled An Act to amend "An Act to Regulate Proceedings in Civil Cases in the Courts of Justice of this State," and recommend its indefinite postponement ; also

Senate Bill No. 101, entitled a Bill for An Act to amend an Act entitled "An Act to Regulate Proceedings in Civil Cases," and recommend its indefinite postponement.

W. I. FERGUSON,  
Chairman.

The Bills were respectively placed on the Calendar.

Mr. Mandeville, according to previous notice, moved to amend the twenty-seventh Standing Rule of the Senate by changing the hour of meeting from 11 to 10 o'clock.

The ayes and noes were demanded by Messrs. Coffroth, McCallum and Hawks, with the following result :

AYES.

Messrs. Ashley, Burnett, Burton, Cosby, Day, Dosh, Flint, Hawks, Hawthorne, Mandeville, McCallum, McCoun, McNeill, Norman, Rust, Scellen, Shaw and Waite—18.

NOES.

Messrs. Bynum, Coffroth, Crandall, De la Guerra, Ferguson, Fiske, French, Gove, Heintzelman, Hook, Lippincott and Tilford—12.

So the motion requiring a two-thirds vote, was decided in the negative, and the Senate refused to change the hour of meeting.

Mr. Mandeville gave notice that he would, on to-morrow, offer an amendment to the 27th Standing Rule of the Senate.

Mr. Ferguson presented the following communication from Dr. S. A. McMeans, late Treasurer of State.

*To the Hon. the Senate and Assembly of the State of California :*

GENTLEMEN:—The undersigned, late State Treasurer, would respectfully state to your Honorable Body, that his books and papers connected with said office are now being examined by the Joint Committee appointed by both Houses, and that said committee, owing to the magnitude of the transactions and the large amount of vouchers to be investigated, have appointed Mr. N. A. H. Ball as their clerk,—who is required to make a statement upon which said committee are to base their report; and that I have seen and examined the statement that will be submitted to said committee by Mr. Ball, and know the same to be wholly wrong; and if acted on by the committee, will inflict gross injustice upon me, as it is to my knowledge not a fair or correct *exhibit* of the transactions of my office. I therefore do most solemnly *protest* against any report that may be made upon any statement of Mr. Ball, as I am fully persuaded he is entirely ignorant of the nature of the laws governing said office, and of the peculiar transaction relative thereto, and is incompetent to do myself or the State justice.

Under these circumstances, I would respectfully ask your Honorable Body to appoint a commission composed of officers of the departments, to wit: Controller, Treasurer and Secretary of State; as they understand the intricacies and workings of said office, as well as the laws governing the same,—giving said commissioners full power to examine into the entire affairs of my office in all its minutiae and details, and to make a final and complete settlement between the State and myself, and report fully to the Governor of the State, that he may make it a part of his next annual message.

In making this request of your Honorable Body, for another commission, I

would distinctly state, that I do not by so doing intend or wish to cast any reflection as to the competency or integrity of motives upon the present Joint Committee, as I am satisfied that it is the wish of the committee to discharge their duties faithfully; but from the multiplicity and magnitude of the transactions in my office, amounting to about two millions eight hundred thousand dollars, that it is impossible, during the session of any one Legislature, for any committee to give the same a complete and thorough investigation and attend to their other duties.

I would now most respectfully ask your Honorable Body to grant my request, as my character as an officer and a private citizen are at stake.

I have the honor to be,

Very respectfully,

S. A. McMEANS,

State Treasurer.

Mr. Mandeville moved that the communication be referred to the Committee on Finance.

Lost.

On motion of Mr. Shaw, the communication was referred to the Joint Committee appointed to examine the books of the late State Treasurer.

Mr. Coffroth moved to take up the Deficiency Bill.

Agreed to.

Mr. Fiske moved to reconsider the vote by which the Senate refused to concur in the Assembly amendment allowing the account of Wells, Fargo & Co.

On motion of Mr. Coffroth, the Bill was laid upon the table.

Mr. Hawks offered the following resolution :

*Resolved*, That the Sergeant-at-Arms be instructed to inquire of the State Printer whether the Reports of the State Geologist and Surveyor-General have yet been printed; and if so, why they have not been delivered.

Adopted.

Mr. Scellen, from the Select Committee to examine into the affairs of the late State Land Commission, presented the following report :

*Mr. President :*

Your Committee, in compliance with the resolution of the Senate, repaired immediately to San Francisco for the purpose of more readily obtaining the evidence of persons present at the sale of the State Property on the 10th of October last, and such other testimony as would enable them to form correct conclusions in regard to the subject of their investigation. They held two sessions in that city, the first of four, and the latter of five days, during which time they were unremittingly engaged in the discharge of their responsible duties. Due notice



was given, by publication in the various San Francisco papers, of the time and place of their meeting, and all parties possessing information concerning the above-mentioned sale were requested to attend and testify.

The Committee experienced much difficulty in procuring the appearance of witnesses; and in order to obtain testimony, had in many instances to force the attendance of parties by compulsory process. Your Committee deprecate, and cannot too severely censure the practice which so generally prevails, of persons communicating facts to members of legislative committees, and afterwards, when summoned, of evading process or refusing to testify. Such conduct renders investigation of the kind the Committee were appointed to conduct, extremely difficult; it also leaves impressions on the minds of the Committee upon which they cannot officially act, or base a report. The Committee, notwithstanding these difficulties, succeeded in obtaining the testimony of a large number of witnesses.

The evidence touching the sale of October 10th, 1855, is conflicting in the extreme; some testify that the sale was conducted with undue haste, that the auctioneer evinced partiality to certain individuals, and prejudice against others, and that injustice was done alike to the rights of private parties and the interests of the State.

On the other hand, a large number of equally respectable witnesses assert, that the sale was fairly and impartially conducted, and that the property of the State was sold for its full value. Your Committee do not deem it their duty to decide on the credibility of the witnesses, or the preponderance of conflicting testimony. One fact, however, is uncontradicted, and cannot be passed over without comment. It appears that the interest of the State in ———— eight ———— hundred ———— lots, these lots varying in value from the sum of five dollars to several thousands, and located in different portions of the City of San Francisco, were disposed of during the sale, not occupying over an hour or an hour and a quarter.

Your Committee can see no valid reason why a course of procedure unheard of in selling by auction the interest of a private estate, should have been resorted to in disposing of the property of the people. Notwithstanding the opinion of many respectable witnesses to the contrary, your Committee believe that if less haste and greater precaution had been observed in conducting the sale, a much larger amount would have been realized.

Your Committee respectfully submit, without further comment, all the evidence touching the matter, to the consideration of the Senate. They would, however, earnestly recommend, that whatever conclusion may be formed as to the regularity, or irregularity, of the transaction, no attempt be made by the State to set aside or disturb the sale.

There is no rule in law or equity better established by the decisions of State and Federal tribunals, than that the principal is estopped from repudiating the acts of his agent, when performed within the scope of his authority. Even if it should be conceded that the acts of the auctioneer were irregular in some instances, there is no proof that he transcended his authority or violated the letter of the law. Many innocent parties have acquired title in good faith, either at the sale or since then, by purchase made, *bona fide*, and for a valuable consideration. All attempts to set aside the sale could tend only to depreciate the value of much of the taxable property of the State, and inflict irreparable injury upon innocent parties. Such attempts would be enjoined by the courts, and end in expensive and fruitless litigation.

In concluding this branch of the subject committed to their care, the Committee present the names of those who testified, together with their evidence:

## FOR THE SALE.

A. C. Peachy,  
John Satterlee,  
W. H. Rodgers,  
P. C. Bowman,  
H. A. Cobb,  
H. C. Partridge,  
T. C. Gilman,  
E. T. Crane,  
P. W. Van Winkle,  
T. G. L. Smith,  
R. H. Sinton,

S. C. Hastings,  
R. M. Jessup,  
J. R. Coryell,  
E. D. Carter,  
W. F. McLean,  
R. A. Fish,  
F. Vassault,  
Sam. Bell,  
John S. Love,  
Ed. Jones.

## AGAINST THE SALE.

J. S. Polack,  
W. H. Clark,  
Jas. Edwards,  
Sam. Soule,  
H. O. Gaylord,  
Ed. Franklin,  
John Nightengale,  
Jas. T. McDougal.

J. B. Townsend,  
James Phelan,  
Josiah Drake,  
C. J. Joseph,  
C. O. West,  
L. T. Poland,  
George Simpton,

The Committee now approach another subject of their investigations, upon which there is no contrariety of testimony, and concerning which there can be no difference of opinion. They find by a certified copy of the records of the Superior Court of the City of San Francisco, hereto appended, and made a part of this report, that on the 9th day of December, 1854, the Board of State Land Commissioners, consisting of Levi Hermance, Jos. Hopkins, John S. Love, L. Pickering and George O'Doherty, instituted, in the name of the people of the State of California, a suit in the said court against one W. H. Talmage, to recover the sum of \$8,550. The sum was claimed as the difference between the amount bid by the said Talmage at the State sale, which took place on the 28th of December, 1853, for certain lots bought by him, not paid for, and the amount for which the said lots were afterwards sold by the Commissioners. To the complaint, Talmage filed a demurrer and answer; the latter, among other allegations, averred that the defendant at the sale had acted only as the agent of Jesse Carothers. On the 26th of December, 1854, Carothers filed in the above-mentioned suit his petition of intervention. The intervenor alleges that Talmage was his agent at the sale in buying the lots mentioned in the complaint, and that he (Carothers) was then a creditor of the State of California in the sum of \$75,000, for money expended, and labor performed by the petitioner, at the request, and by the order of the legally constituted officers of the said State. The services performed, as alleged by the petitioner, consisted in obtaining documents and other information from Washington City, establishing the interest of the State in and to the water lots sold, and in procuring the written legal opinion of certain eminent counsel from the East, as to the rights, interests and claim of the State in and to the property mentioned. Your Committee would here suggest that they can imagine from the past pursuits of Mr. Carothers nothing peculiarly fitting him for the discharge of the onerous duties which he assumed; and, further, while they doubt not the eminent ability of the gentlemen selected *from the East*, they are still impressed with the belief that California possessed among the members of her own bar suf-

ficient legal acumen to meet any emergency which might arise involving her own interests. The whole claim of Carothers was predicated upon a contract made between the said Carothers and S. C. Hastings, Attorney-General, on the 17th of March, 1853. This agreement is of such an extraordinary nature that the Committee embody it in their report.

*“Articles of agreement made this 17th day of March, 1853, between Clinton Hastings, Attorney General of the State of California, party of the first part, and Jesse Carothers, of San Francisco, Broker, party of the second part—*

WITNESSETH: Whereas, there is now pending in the District Court of the United States for the Northern District of California, a suit in equity, wherein the United States are complainants, and Theodore Shillaber, John B. Steinberger, Joseph Palmer, Charles A. Cook and Edward Jones, (said Palmer, Cook and Jones, comprising the firm of Palmer, Cook & Co.,) and the people of the State of California, defendants. And, whereas, the said C. Hastings, Attorney-General, as aforesaid, on behalf of the said State, has filed an answer to the complainants' bill of complaint, and also a cross bill, claiming for the State all the lands and premises in controversy, as well as the rents and profits accrued, and to accrue therefrom; and which said land and premises are described in the bill of complaint, as being the Government Reserves, so called, situate in the City of San Francisco, viz:

1st. The Government Reserve bounded by Montgomery Street on the West, Washington Street on the South, Jackson Street on the North, and deep water on the front of the city on the East.

2d. The Government Reserve bounded by Sansome Street on the West, Pacific Street on the South, Broadway Street on the North, and deep water on the front of the city on the East.

3d. Rincon Point Reserve, being all the ground and premises lying between Beale Street and deep water on the front of the city.

And, whereas, it is understood and conceded by all the parties, that the said suit of controversy shall be removed to the Supreme Court of the United States, by appeal, or otherwise, immediately after the decision of the District Court shall be made and announced.

And, whereas, the property and matters in controversy are of great value and importance to the State of California, and the proper conduct and management of the controversy will require large expenditure of money from time to time for the employment of counsel, attorneys and solicitors, in the preparation and argument of the cause before the Supreme Court of the United States, and before the said District Court, and in the final settlement and adjustment of the matters in controversy;

Now, therefore, to the end that the rights of the State may be faithfully and energetically prosecuted and defended, without any expense to the State, the said C. Hastings, Attorney-General, as aforesaid, for and in behalf of the said State, stipulates and agrees that the said Jesse Carothers shall be, and he hereby is, authorized and requested to engage the services of able counsel, attorneys and solicitors, and to compensate them for their services in such manner and upon such terms; nevertheless, that they shall have no right to claim of the State of California any fees or compensation for services, or costs, or disbursements, or otherwise than shall be hereinafter expressed; and the said Jesse Carothers shall employ no counsel, or attorneys, or solicitors, without the consent and approval of the Governor of the said State, and the Attorney-General; and, as compensation to said Carothers, and to enable him to retain and pay such counsel, attorneys and solicitors, and to defray other and necessary disbursements, it is hereby stipulated



and agreed, that the said Carothers shall be entitled to, and the State of California shall quit claim and release to him, or his assigns, forever, one equal tenth part of all the lands and premises which, by the judgment of the Supreme Court of the United States in said suit, or by other adjudgment and settlement of the same, shall be ascertained and decided to be the property of said State, or, (if the State shall prefer to do so,) said State shall pay him, or his assigns, one-tenth part of the estimated value thereof. And said Jesse Carothers shall also be entitled to, and shall receive, one equal tenth part of all moneys which shall be received or recovered by said State in said suit from Palmer, Cook & Co., or otherwise, for rents or profits derived from or to accrue from said premises. And said Jesse Carothers hereby stipulates and agrees that he will well and faithfully perform his duties as such agent to the State, and that he will save the State harmless of, or from all costs and charges in the premises. In witness whereof, the parties aforesaid have hereto set their hands and seals the day and year first above mentioned.

(Signed)

S. C. HASTINGS, [SEAL]  
Attorney-General.

JESSE CAROTHERS. [SEAL]

But to return to the suit. An answer was filed to the petition of intervention by the Board of Land Commissioners, December 28th, 1854, denying that Jesse Carothers had any legal or equitable claim against the State, or that the State ever contracted with him as set forth by his intervention; also denying that the person with whom Carothers had contracted, had any power to contract with the intervenor. On the same day Judge Satterlee of the Superior Court, appointed Louis R. Lull, Esq., Referee, to take testimony and report his finding of the facts and the law, and a judgment thereon. On the 30th of May, 1855, the Referee presented and filed his report, finding that there was due from the State of California to Carothers, \$72,815 50, and that judgment be entered in his favor for that sum. The next act in this strange judicial proceeding, was the filing of a stipulation in the Superior Court on the same day that the Referee's report was made; it reads as follows:

"SUPERIOR COURT OF SAN FRANCISCO, ss.

It is hereby stipulated and agreed, that the Referee may file his report in this case, and as to all objections in the time of making his report, and all objections of form, be, and the same are hereby, waived, and that judgment may be entered thereon.

G. C. BATES,  
Attorney for Interpleader.

WM. M. STEWART,  
Counsel of Plaintiff."

On the 31st of May judgment was entered up against the people of the State of California, in the Superior Court of San Francisco, for the sum of \$72,518 50, together with interest at ten per cent. per annum from the date of judgment and costs and disbursements in the action, amounting to the sum \$1,071. On the 13th of January, 1855, Jesse Carothers assigned to John R. Coryell his entire interest in the claim pending in the Superior Court, on which the aforesaid judgment was rendered. Afterward, on the 9th of October, 1855, Coryell assigned to David Calloway an interest in the judgment, amounting to \$27,528. The State has received three credits, at different times, on the Carothers judgment.



On the 8th of November, 1855, appears a credit of \$23,958 25, allowed by Coryell. On the day following, another credit by Calloway of \$26,358. Afterward, on the 24th of December, 1855, the receipt of the Assignee (Coryell) to the agent of the Board of Commissioners, of \$3,200, was entered as a further credit on the said judgment. These credits in all amount to \$53,516 25. It appears from the admission of J. S. Cohen, agent of the late Board of Land Commissioners, and from other testimony, that the credits above mentioned were allowed for moneys or State securities paid to the assignees by the said agent. The funds thus applied by the agent were from the proceeds of the October sale. Your Committee, after a careful examination of the law creating the office and defining the duties of the said agent, can find no authority for his paying or cancelling any portion of this or other judgment.

Your Committee are clearly of the opinion, that the agent in so doing exceeded his authority, and to the extent of the funds thus applied, is liable to the State. Your Committee, therefore, recommend that the Attorney-General be instructed to institute proceedings against the said agent and the sureties on his official bond, for the recovery of the sum of \$53,516 25, that being the amount of the public funds misappropriated by him. Your Committee would call the attention of the Senate to the fact, that from the proceeds of the sale of the 10th of October, after defraying a portion of the expenses of the same, and making the illegal payments above mentioned, only between fifty and sixty dollars remained in the hands of the agent.

But this is not all; only a few days ago both branches of the Legislature passed a Bill appropriating a large amount to defray the expenses of advertising the sale in various papers through the State. If the Bill should receive the sanction of the Executive, the only equivalent which the people of California will have received for her interest in the property sold on the 10th of October last, is a paltry sum of less than sixty dollars in cash, against an indebtedness of more than \$20,000. Your Committee would again revert to the proceedings in the Superior Court, and are happy to inform the Senate that the present Attorney-General has appealed from the judgment rendered therein, to the Supreme Court. They also deem it proper to communicate the fact that on the 27th day of last month an order was made by the Hon. D. O. Shattuck, Judge of the Superior Court, vacating the Carothers' judgment, and pronouncing it absolutely void. Your Committee, in reviewing all the circumstances connected with the rendition of judgment against the State, and of the agreement upon which the pretended claim of Carothers was based, can find no language adequate to express their regret and indignation. Attorney-General Hastings, as will be seen by reference to his testimony before the Committee, admits that he made on behalf of the State a contract which he knew to be illegal and void. Although the sworn officer and legal adviser of the State, he delegates to a San Francisco broker the duty of selecting counsel to assist California in asserting her rights. Although trusted and honored by the people, he willfully betrays their confidence, and violates the sacred obligation of his office, by entering into a fraudulent arrangement, which has resulted in much mischief to the country.

Again, we find that the acting Attorney-General, W. M. Stewart, signs a stipulation, by which he waives the legal rights of the State and allows a judgment to be entered against her upon the simple report of a Referee, to an amount exceeding \$73,000. Mr. Stewart states in his testimony, before the Hon. D. O. Shattuck, during the recent proceedings in the Superior Court, that he signed the stipulation under an erroneous impression, and without a knowledge of its contents. For the sake of human nature, the Committee will believe that his statement is true; even then, he has been guilty of gross and culpable negligence. The Committee will not pursue the subject further, but leave it with the sugges-

tion, that the Senate should recommend to the Grand Jury, of the County of San Francisco, a thorough investigation of all the circumstances connected with the Carothers' judgment, and a prompt presentment before a tribunal of justice, of the guilty parties. Such a course, although it will not repair the injury which has been inflicted, may prevent others from attempting similar frauds. In reporting the result of this investigation, your Committee has been prompted by no feelings of personal malice, but simply by a desire to discharge, with fidelity, the responsible trust confided to them.

All of which is respectfully submitted,

JNO. D. SCLELEN, Chairman.  
F. TILFORD,  
W. W. HAWKS,  
JAMES W. COFFROTH.

*Testimony taken before the Committee.*

Edward Franklin being duly sworn, doth depose and say: That he is a real estate agent and auctioneer; was present at the sale of Public Lands on the 10th October last. Sale occupied about three-quarters of an hour. Sale embraced about eight hundred lots. Witness was present for the purpose of purchasing for another party, a lot marked in the catalogue as lot No. 606, which lot had been sold at a previous sale for upwards of \$3,000, and was offered for re-sale at the said sale of October; was instructed to bid as high as five hundred dollars for that lot. Has attended many auction sales, but never found his vigilance in following the auctioneer so completely at fault. Kept his eye on No. 606, but never could hear anything of it during the sale. The auctioneer was turning constantly from page to page of the catalogue, and so mistified the bidders that it was impossible to tell what or how many lots were sold. When any one made a higher bid for a piece of property than witness believes the auctioneer anticipated, he, the auctioneer, would cry out to the bidders, "Are you aware, sir, that you are only buying the State's interest for ninety-nine years?" thus intimidating those who had the courage to bid. A majority of the lots sold were knocked down to the same party; does not remember his name; considers that a fair sale of the property would have brought three or four times the amount.

EDWARD FRANKLIN.

John Nightingale being duly sworn, doth depose and say: That he resides in San Francisco, and was present at the sale of the State's interest in certain property in San Francisco, on the 10th of October, 1855, at the auction room of Messrs. Selover & Sinton; was there soon after the sale commenced and remained about half an hour; was requested by Mr. B. Richardson to bid in for him certain lots mentioned in the catalogue of sale. The lots in question were not offered while I was present. After an absence of about twenty minutes I returned and found the sale about closing.

JOHN NIGHTINGALE.

Charles O. West being duly sworn, deposes and says: I was not at the sale of the 10th October, 1855; I know nothing about it, nor of any circumstances connected with it. I do not recollect of being at the sale; if I was there I took no interest in, and know nothing about it.

CHARLES O. WEST.

Subscribed and sworn to, February 23d, 1856, in presence of

JNO. D. SCLELEN.

J. B. McMinn being duly sworn, says: That he is now Clerk of the Superior Court of the City of San Francisco, and was acting as Deputy Clerk in said court on, and previous to, May 30th, 1855. The record of the court in the case entitled "The People of the State of California *vs.* W. H. Talmage, defendant, and Jesse Carothers, intervenor," furnished under seal of the said court, contains a full and accurate copy of all the proceedings in the above-mentioned case.

J. B. McMINN.

Subscribed and sworn to before me in Committee Room, this 26th Feb. 1856.

F. TILFORD,  
Of Committee.

George Wallace being duly sworn, says: That he resides in San Francisco, and is by profession a lawyer; was present at the sale of the State's interest in water-lot property on 10th October, 1855; was present but a short time toward the close of the sale; attended on behalf of a client, to bid in for him a lot on Battery Street, near Broadway, in which he was interested. The lot had been sold prior to my coming in; at least, after the sale was over I was told that it was sold, and supposed it took place before my coming in.

GEORGE WALLACE.

Subscribed and sworn to before me in Committee Room, Feb. 25th, 1856.

F. TILFORD,  
Of Committee.

James Phelan being duly sworn, deposes and says: I reside in San Francisco, and am engaged in the wholesale liquor business; I attended the late sale of the State Land Commissioners; I went there for the purpose of perfecting title to property I held by purchasing the State's interest; I was there before the sale commenced and remained until the sale was concluded. The auctioneer commenced at the City Slip Property, and sold in one lot, or the privilege of any number; the sale was made hastily; the property I desired was sold in a privilege and I did not get it, and I have not been able to procure it since. The two lots I wanted to get in the Slip Property were sold for fifty dollars a lot. Before the sale commenced Mr. Selover stated to me, that it did not matter who was the buyer at the sale, the party who desired it would get it for the exact sum it was knocked off at. I have not yet received my title for it. A man named Galloway was the purchaser of my lot. I have called upon Mr. Selover, Charles D. Carter and others, to procure a deed for the lots, but have been unable to procure it. Mr. Carter has offered to me since the sale, to get the lots for me from Galloway for two hundred and fifty dollars a-piece. I called upon Mr. Selover after the sale and told him that great injustice had been done me, and that I was then about to institute legal proceedings. He remarked to me, that he wanted to get even on some men in this town. I asked if he had ill feelings against our firm? He said, no; he thought that the parties who bought the lots would want nothing more than a reasonable profit to give me a title. After lot No. 3 was sold I offered to Mr. Selover one hundred dollars, or one hundred and fifty dollars, for the State's interest, but he said he could not accept, as he would have to consult Butler. After this, Mr. Selover told me that Butler would not accept, as he thought he had a good thing, and intended to make a speculation out of it himself. Lot No. 3 was included in a privilege, and was sold for a sum varying between eight dollars and sixteen dollars. From one hundred and fifty to three hundred lots



were sold to one purchaser, and the period for their sale was less than a minute. Some of the lots were sold fairly, but the bulk of the property was hurriedly passed over. The lots I purchased, six in number, I paid for in cash. Just at the time lot No. 3 was being sold and was purchased off, Mr. Clark, who had an interest in it, bid twenty dollars advance, and told Mr. Selover it was his right to do so. Mr. S. denied it, and said he should bid before it was knocked down. It was sold, probably in less than a minute, to a man named, I think, Brown or Butler.

JAMES PHELAN.

Subscribed and sworn to before Committee, this 26th day of Feb. 1856.

JAS. W. COFFROTH.

Josiah Drake being duly sworn, says: That he resides in San Francisco and was present during the whole of the State sale at Selover & Sinton's last October 10th; attended in order to purchase certain lots near North Beach, and the sale was conducted in such manner that deponent had no opportunity of bidding for the lots in question. Upon several occasions the auctioneer embraced in one bid a number of lots, running over several pages, of the catalogue. The bids were made and taken very rapidly, and no time allowed the audience to form any correct idea of what lots were being sold; no one could ascertain whether his own lots were put up. One wishing to buy one or two lots had no possible chance.

JOSIAH DRAKE.

Subscribed and sworn to before me in Committee Room, Feb. 25, 1856.

F. TILFORD,  
Of Committee.

John Satterlee being duly sworn, doth depose and say: That he was present at the sale of the State's interest in certain water-lot property, situated in the City of San Francisco, sold 10th October, 1855, at the auction room of Messrs. Selover & Sinton, San Francisco. The attention of witness was more particularly directed to the sale of the State's interest in what was known as the City Slip Property; it was sold with the privilege—as he thinks—of one with more lots. All the lots were struck off to one person—the bid, at least, was taken in the name of "Cal-loway"—at fifty dollars per lot; this included the entire State's interest. Don't think the interest in each lot thus sold was really worth fifty dollars. Witness saw nothing throughout the sale that was unfair or improper, or calculated to excite a suspicion of fraud; the only favoritism exercised by the auctioneer seemed to be shown to the *actual occupants*, designing to give these a preference over mere outside speculators.

JOHN SATTERLEE.

Subscribed and sworn to before me in Committee Room, this 23d Feb. 1856.

F. TILFORD,  
Of Committee.

William H. Rogers being duly sworn, says: That he is a merchant, resident of San Francisco, and was present at the sale of the State's interest, on the 10th



October, 1855; attended for the purpose of bidding in fifty vara lot numbered on the official map of said city as No. 328. Deponent owns, under a city title, a portion of said lot, and has improvements thereon. It was his intention to have bid in the whole lot and resold to the other property holders. Deponent went to the auction room of Messrs. Selover & Sinton, for the purpose above mentioned, about five or ten minutes after 12 o'clock. The sale was advertised to commence at 12. Deponent's lot was No. 399 on the catalogue of sale; when he came in the auctioneer was selling some lot specified in the first part of the catalogue. He skipped to a lot on the back part of the catalogue, and continued to do this throughout the sale, or a principal part of it; in consequence of this, deponent was unable to know when the lot No. 328 was struck off. Deponent afterwards bought in said lot from Mr. Selover, paying him, for two-thirds of it \$400. The lot was struck off at less than \$20 to the purchaser who bought it at the sale. Selover mentioned at the time that he was acting for A. J. Butler. Mr. S. is the only man I know in the transaction; Butler I did not then know, nor do I now know him; and further deponent saith not.

WILLIAM H. ROGERS.

Subscribed and sworn to before me, this 25th February, 1856, in Committee Room.

F. TILFORD.

Jacob S. Cohen being duly sworn, deposes and says: I was agent for the late Board of California Land Commissioners, consisting of the late Governor, Controller and Secretary of State, and was appointed on the ——— of ——— 1855.

QUES.—Do you know for what the sum of \$—— was paid to J. R. Coryell, and to D. Calloway the sum of \$——, returned by you as a part of the expenditures made during the term of office of said Board. For what and by whose authority were these expenditures incurred?

ANS.—The said payments were made in part satisfaction of a judgment in the Superior Court of the City of San Francisco, in the case entitled, "The People of the State of California vs. W. H. Talmage and Jesse Carothers, intervenors." The above payments were made in pursuance, and by virtue of an order made by the said Board authorizing and directing deponent to adjust all unsettled accounts against the old as well as the new Board, but in no case to allow a claim originating under the old Board, until attested by oath of the claimant—in the instance referred to the oath accompanied the claim—all of which will fully appear by reference to the journal of the proceedings of the Board, and the communication of the said Board now on file.

I was further induced to make the payments above mentioned, by the affidavit and legal opinion of S. C. Hastings, formerly Attorney-General of the State, and by whom the contract, upon which said judgment was rendered, was made. The opinion of said Hastings was in writing, and states that the judgment against the State was just and equitable. Under such circumstances I felt fully authorized to make said payments. The payments were made from time to time, as I might have funds in my possession, which had been received on State's sales, for the State property.

JACOB S. COHEN.

Andrew J. Butler being duly sworn, deposes and says: That he is a resident of San Francisco, and his business is that of a broker. I have never been a clerk of California Land Commission, nor of Selover & Sinton, Auctioneers; I was present at the late sale of State property; the sale occupied about one hour and a quar-

ter; I attended one sale before, and this last one was conducted about the same as the sales under the old Board of Commissioners; I did not see any preference shown to bidders. Some of the property sold for more than it was worth, and some not as much as its true value. I don't know of any agreement between the auctioneers and outside parties; I bought property at the sale; I recollect purchasing lot No. 399; I have no recollection of selling it; I never authorized Mr. Selover to sell it for me, but I several times signified to him what I would take for lots, that he might mention to parties wanting them, whom I did not know.

I know nothing of the Carothers' judgment, except hearsay; I had a conversation with Dr. Coryell upon the subject of this judgment. He told me that he thought he had a good thing, but it turned out badly, for he had to settle with too many persons who had prior liens upon it. Talmage, Geo. C. Bates, and others, held claims against it.

I made certain payments for S. C. Hastings, for property he purchased at the Land Sale. I paid for him from \$1,800 to \$2,000 to the Land Commissioners, in State scrip.

ANDREW J. BUTLER.

Subscribed and sworn to before me, in Committee Room, this 25th February, 1856.

JAS. W. COFFROTH,  
Of Committee.

L. T. Poland being duly sworn doth depose and say: S. C. Hastings requested witness to attend the last Public Land Sale and to bid off such lots as he, Hastings, should designate. Sale took place on the 10th October, 1855, in salesroom of Selover & Sinton, Merchant Street, San Francisco. Hastings stood alongside of witness during the sale and told him when to bid, throughout the sale. Hastings did not give witness \$1,000 for his services. Witness heard Hastings say that he had told the Land Commission he had to give \$1,000 to witness. The deeds to Hastings, for the lots bid in by witness, show a payment, made by Hastings, of \$2,000; recollects seeing in the papers that Hastings was credited with \$6,200 by the Land Commission, for payments on property bid in by witness. Witness asked Hastings how it was? His only reply was that his deeds would show how much he paid. Has heard Hastings say that he had the Land Commission in his power, and they did not dare to do otherwise than he wished with reference to giving him his deeds.

Hastings said he considered Coryell's judgment against the State as a swindle, and made Coryell on that ground, deed him, Hastings, some of the lots which he, Coryell, had bid in at the sale—Hastings paying to Coryell the amount of C.'s bids on the same. The lots that witness bid in, by the printed catalogue, were Nos. 436, 437, 446 and 458, in block No. 14; also, in block No. 31, lots Nos. 900 to 935, inclusive. These lots were knocked down to witness for about \$5 a lot; witness believes they are worth \$50 apiece. Also, in block No. 32, lots Nos. 936 to 947, inclusive; these also were knocked down for \$5 apiece, and worth, in the witness' opinion, \$50. Also, 100 vara lot No. 322; witness believes this lot to be worth \$6,000 or \$7,000. It was knocked down to him for something between \$50 and \$100—does not recollect exactly. Also, lots in block No. 34, Nos. 1,025 to 1,040 inclusive; bid them in for about \$10 to \$5 apiece; considers them worth about \$20 apiece. Also, in block No. 36, lots Nos. 1,116 to 1,122, inclusive; and Nos. 1,125, 1,126 and 1,129. Witness bid them in for something between \$5 and \$10 a lot. Also, lots in block No. 41, numbered from 1,308 to 1,313 inclusive, and lot No. 1,315; paid about the same price as for the others—in fact paid nearly the same price for all he had bid in at the sale, except one block (does not remember

which,) for which he bid about \$17 a lot. Also, lots Nos. 427 and 428, on the catalogue, and numbered as 38 and 39 on the map by which the sale was made. These lots are worth \$3,000 or \$4,000 apiece at least; does not recollect what he bid, but not near that figure. Lots in block bounded by Jackson, Oregon, Drumm and East Streets, numbered on the catalogue Nos. 429, 430 and 431, and on the map Nos. 3, 4 and 5; bid off lot No. 4 at \$3,000, No. 3 at \$2,200, and for No. 5, \$2,400; considers them worth at least \$15,000 altogether. Also, in block No. 19, map number, lots Nos. 519 to 551, inclusive, worth about \$25 apiece; bid them in at about \$5. Also, lot No. 576, in block No. 20, worth about \$50; bid in for about the same as the last.

L. T. POLAND.

Subscribed and sworn to this 23d Feb., 1856, in presence of

JNO. D. SCELLEN.

L. T. Poland being recalled, says that in his estimates of the value of property, (outside of Government Reserves,) as made in the foregoing deposition, he had reference to the market rates of the property, including present possession, and not to the State's interest.

L. T. POLAND.

L. T. Poland being again recalled, says that the lots between Nos. 319 to 398, inclusive, by the catalogue numbers, embracing eighty-five lots, were sold at one time, as witness believes, to A. J. Butler, for \$5 or \$6 a lot. The State's interest in lot No. 319, on the catalogue, embraced in the eighty-five lots, cannot be worth less, in the opinion of witness, than \$2,000. The State's interest in lot No. 320 on the catalogue, also embraced within the eighty-five lots sold, is worth \$5,000. The State's interest in lot No. 324, also included in the same list, together with lot No. 325, is worth \$1,000. Considers the State's interest in Nos. 326 and 327, in the same list, to be at least \$2,000—besides numerous other lots, in this list of eighty-five, which did not bring within many thousand dollars of their value. Witness considers what is known as Market and Sacramento Street Gore, to be worth *at least* \$10,000—that is the State's interest in the property.

Lot No. 387 on the catalogue, which was sold in the same list, at the prices above-named, cannot be worth less than \$1,000. Witness speaks only of the State's interest in the property. Witness was only at the sale to bid in property for Judge Hastings; he was there as his agent, and did not bid any for himself.

L. T. POLAND.

Horace O. Gaylord being duly sworn, says: That he resides in San Francisco, and is by occupation a real estate broker. Witness was present at the State's sale, which took place on the 10th October last, from its commencement to the termination. The sale lasted from an hour to an hour and a half; it was conducted with such hot haste that there was no chance for all the parties present; lots were sold in large numbers, generally, and considerable skipping about through the catalogue. A large amount of lots were struck off before witness could ascertain what were being sold, although he had a catalogue in his hand. The lots in which witness was particularly interested ranged, on the sale catalogue, from Nos. 316 to 391, and were struck off in a minute's time. Among these were some of the most valuable lots in the catalogue. Immediately after (almost instantly,) the above lots were sold, an advance of \$25 per lot was offered by some one in the



crowd, but no attention paid to it. After that, the sale was continued with much less haste. Before sale closed I bought some half dozen lots in a body. It seemed that the skipping about, before spoken of, was with the intent to blind all the audience, except those interested. Am friendly with all parties concerned, and have no feeling in the matter whatever.

HORACE O. GAYLORD.

Subscribed and sworn to before me, in Committee Room, Feb. 25, 1856.

F. TILFORD,  
Of Committee.

I, Samuel Soule, being of lawful age, make affidavit: That I was personally present at the sale of the interest of the State of California in certain water-lot property, in the City of San Francisco, at the office of Selover, Sinton & Co., on the 10th day of October, A. D. 1855, at which time and place Mr. Selover conducted said sale in the following manner:

At the beginning of the sale he (Selover) sold some lots singly, by their number and description, giving or allowing a fair opportunity for competition, after which he sold a very large amount, in batches varying from a moderate number of lots to a number greater than one hundred, in a batch—not following the catalogue by page or number, but shifting from page to page and number to number, and selling with such rapidity that, with a catalogue in my hand, I could not ascertain what lots were being sold before they were knocked down to some person, as I supposed, in the rear of the auctioneer's stand, at the nominal price of eight and ten dollars each lot.

I have been credibly informed since the sale and believe it to be true, that Mr. Selover has received for one lot, from the person in possession, *eight dollars* for the lot and *five hundred dollars* for the deed; the same being one of the lots sold in one of the great celerity sold batches, at eight dollars per lot.

SAMUEL SOULE.

Samuel Soule, being duly sworn, says: That he has read the foregoing statement by him signed, and knows the contents thereof; that the same is true to the best of his knowledge and belief.

Subscribed and sworn to this 11th Feb., 1856, in presence of

JNO. D. SCLEEN.

The undersigned, resident of the City of San Francisco and State of California, was present at the State Sale of Real Estate, held on the 10th day of October, 1855, at the auction rooms of Selover, Sinton & Co. I witnessed the manner of conducting said sale by Mr. A. A. Selover, auctioneer, and consider it was conducted irregularly and unfairly, as regards some portions of the property offered at said sale, and injuriously to the interests of the State and also to persons wishing to purchase property at the sale—whole blocks being put up at a time, and sold for so much per lot, and knocked off on a single bid (to fictitious names, as I have since been informed,) and before *bona fide* bidders could have time to turn to the pages of the catalogue used upon that occasion, and ascertain the location of property offering, and before bidders could give in their bids. On some portions of the property offered, there were persons denied the privilege of bidding, or, in other words, their bids were not received, although said sale proclaimed to be at public auction, and the property to be sold to the "highest bidder."



From the charges and expressions that passed between parties desirous of bidding or buying, and the auctioneer, in regard to the property above alluded to, I am led to believe that the auctioneer had personal revenge or pique to gratify. On the other hand, when property was put up fairly and a single lot at a time, and competition in bidding allowed, the prices ranged much higher, consequently, more advantageously to the interest of the State.

JAMES EDWARDS.

James Edwards, being duly sworn, says : That he has read the foregoing statement by him signed, and knows the contents thereof, that the same is true of his own knowledge.

Sworn and subscribed to in presence of

JNO. D. SCLELEN.

William H. Clark, being duly sworn, deposes and says : That he is by occupation an Attorney at Law, and has been resident since 1849 in California, most of the time in San Francisco ; that he attended the sale on the 10th of October last, by Selover & Sinton, auctioneers, of the interest of the State of California in certain water lot property in the City of San Francisco. The number of lots embraced in the catalogue used at the sale was eight hundred and sixty-seven, all of which were represented to have been sold : the time occupied by the sale was very brief, considering the large number of lots disposed of ; the deponent did not observe the time by a watch, but thinks it not more than an hour, and it might have been less ; Selover was the auctioneer, who cried the property and knocked it down ; Sinton stood by assisting him ; the sale was conducted with the utmost rapidity ; the lots were, for the most part, sold in large parcels or assortments, some of which exceeded one hundred in number. The property was not sold in the order of the catalogue, but there was a continual skipping about, back and forth, rendering it impossible for any one not previously apprised of the intended order of the sale to keep up with the rapid pace of the auctioneer. The lots were sold by the catalogue numbers ; when sold in large assortments, they were usually described as from a certain number to a certain number, inclusive—these numbers being those of the first and last lots in the assortment, the intervening numbers not being mentioned ; this announcement occupied but a few moments of time. The numbers and descriptions of the lots, as designated on the official map, were not called. Had this been done and no catalogues been printed, the parties at the sale could form some idea of what was being sold in season to bid ; the catalogues, instead of being an aid, operated as a blind. It is apparent to the mind of this deponent, that the order of arrangement in the catalogue was calculated to confuse the ideas of those wishing to bid, and the departure from that order by the auctioneer, together with the extreme rapidity of the sale, had the effect of making the confusion worse confounded, except, however, as to those parties previously advised of the course to be pursued, if such there were. As the auctioneer generally struck off the assortment, covering many pages of the catalogue immediately after it was announced, it was, in many instances, impossible to turn over the leaves of the catalogue and ascertain what were the lots or blocks put up for sale before they were struck off ; and when the auctioneer was remonstrated with and requested to renew the sale on a further bid, he refused to do so. The system pursued at the sale, in reference to most of the property sold, was calculated to prevent all persons, not previously made acquainted with the programme, from bidding understandingly. These large assortments sometimes included smaller ones, which, as represented in the catalogue, were put up for sale on account of former purchasers, who had forfeited, or were said to have forfeited

by not making payments, and were sold by the lump at a uniform price of a certain number of dollars for each lot. In these instances, the names of the parties on whose account they were sold, were not mentioned; it thereby became impossible to apportion the amount of credit to be given to each party on whose account they were sold, the different lots many of them differing widely in value. Lots were put up in the same large assortment, situated in various parts of the city, on the South Beach, on the North Beach, in the Government Reserves, on or near Market Street, Jackson Street, Sacramento Street, Mission Street, Simmons Street, on South Beach, North Point and Leavenworth Streets, North Beach, Broadway, Pacific Street and other streets too numerous to mention, which lots were intermingled without reference to any system or method appreciable by this deponent, and differed widely in value, varying from five or ten dollars to upward of a thousand dollars, and were claimed or owned by a large number of different persons under city titles, or under Government Reserve leasehold titles, except some few which the city may not have previously disposed of, and were all sold in one lump at an insignificant price per lot.

As an instance of which, deponent specifies one batch or assortment, extending from catalogue Nos. 316 and 399, inclusive. The lots included are situated in the various parts of the city above stated, and were mentioned in the catalogue as sold on account of many different parties, and were of various widely differing values. The principal object of deponent in attending the sale, was to buy in the State's title to several of these lots in which he claims to have an interest under a title derived from the City of San Francisco; this batch was put up and at once struck off for the price of ten dollars each lot, to Mr. Brown; who Brown is, the deponent is not informed. He has made some inquiry, but has been unable to ascertain the real existence of a purchaser of said property bearing that name. The sale was made with such haste, that the deponent was unable to turn over the leaves of the catalogue with sufficient rapidity to ascertain what property was embraced within these catalogue numbers before it was struck off—the description covering some seven pages of the catalogue. Immediately, within a few seconds, after the property was struck off to Brown, and before the auctioneer had proceeded to another sale the deponent, in a loud tone of voice, notified the auctioneer, Mr. Selover, that he advanced the bid twenty-five dollars, making a bid of thirty-five dollars on each of the lots just struck off, and demanded that the sale should be opened and proceed on his (deponent's) bid. The auctioneer refused to comply with deponent's request, saying that deponent's bid was too late. When the lots were struck off to Brown, deponent did not hear any one bid; after the sale, deponent asked the auctioneer, Mr. Selover, who was the purchaser of the last above-mentioned lots; he said Col. A. J. Butler. Deponent told him he struck them off to Brown; Selover said deponent was mistaken.

The aggregate amount of the pretended sale of the last-mentioned batch is, at ten dollars per lot, eight hundred and fifty dollars, or thereabouts. The deponent has bought and sold real estate in the City of San Francisco; is well acquainted with the location and value of real estate in said city. It is difficult to estimate with accuracy the value of the State's title. It is the deponent's opinion, after consultation with others skilled in the value of real estate, that the State's title to the last-mentioned batch of lots would, at a fair auction sale, with unrestricted competition in bidding, have produced not less than \$10,000 to \$20,000.

The property known as the City Slip Lots, one hundred and twenty-two in number, numbered on the catalogue from Nos. 1 to 122, was struck off with the same extraordinary haste, at fifty dollars per lot, to one Calloway or Gallaway, as deponent understood the name. Deponent heard no bid whatever made for these lots. These lots are valuable property, and the State's title to them is, in the opinion of the deponent, worth a much larger sum. Some few lots were sold in

dividually or in small assortments, and proper competition in bidding on some of them allowed; but the larger portion of the sale was conducted in the hasty, confused manner above described, without allowing competition in bidding, and in a large number of instances, without giving those gentlemen present holding or claiming the property sold, under city or other titles, an opportunity to bid. In deponent's opinion, the whole sale should have produced from \$100,000 to \$200,000. Deponent has attended most of the State sales, and never saw one conducted in such a manner as that of the 10th of October last. This was, for the most part, not an *auction* sale, if the term signifies fair opportunity to bid and free competition in bidding. Deponent had a conversation with Mr. Selover some days after the sale. He remarked that this (referring to the sale) was pretty sharp practice, a little the sharpest he had ever done, or words to that effect. Mr. Selover also, in a conversation with the deponent in reference to this sale, said that the real estate business from the beginning in San Francisco, had been a game of sharps; that he was about as sharp as anybody; that there were persons at the sale he meant to get even with, and he had got even with them. Mr. Selover disclaimed any allusion to the deponent in this remark, but said he referred to other parties. The deponent has never had any personal difficulty or quarrel with Messrs. Selover & Sinton, or either of them, and in giving this testimony is not actuated by feelings of a personal character against them, but regards it as a public duty that he should testify before the Legislative Committee appointed to investigate this sale. The matters and things above stated are true according to deponent's best knowledge, information and belief.

WILLIAM H. CLARK.

Subscribed and sworn to this 18th of February, A. D. 1856, before me,

JAMES H. BRISLOW,  
Notary Public

STATE OF CALIFORNIA, City of San Francisco:

Joel S. Polack, a resident of said city, being duly sworn, deposes and says: That he attended the sale of the State's interest in the water lots of this city, on the 10th October last. That some days previously to the sale, deponent called on Selover & Sinton, the auctioneers, for a catalogue of said sale: Mr. Sinton replied that they were printing at Sacramento, by order of J. S. Cohen, the agent for the Commissioners, who had taken the printing out of their (S. & S.'s) hands to serve some political friends. Deponent until the day of sale repeatedly saw Mr. Sinton, who always stated that the catalogues had not arrived from Sacramento, and two days before the sale Mr. Sinton added that he feared that they would not arrive in time, and they (Selover & Sinton) would be obliged to have slips struck off from the *Herald* office. On the morning of the sale, at 9 o'clock, no catalogue was to be had. Mr. Sinton's excuse was, they were being sewed. They were first produced about half past 10—an hour and a half before the sale. On obtaining one, deponent found, by the *imprimatur*, that they had never seen Sacramento, but had been printed at the office of the *Times and Transcript* newspaper, at Sacramento Street, in this city.

At 12 o'clock exactly, the sale commenced. The first one hundred and twenty-two lots, comprising the whole city slip property on Long Wharf, Davis and Clay Streets, originally sold by the city to upwards of sixty purchasers, were within a minute or so knocked down in one batch to a single purchaser. The auctioneer deprecated any one bidding on those lots, as he wanted the parties, he said, who had purchased the former title to have also that of the State. The price was \$50 per lot.

Deponent believes that, had the said lots been put up singly and had time been



given for public competition, they would have averaged at least \$1,000 per lot, as the several owners would have obtained the title to the fee for scrip, or sixty-five cents on the dollar—that is, \$650 each. The lots were sacrificed for \$6,100, when a fair competition would have freed the State of \$122,000 of indebtedness.

The auctioneer then skipped over several pages of the catalogue, with such velocity that before this deponent, who is tolerably versed in the handling of leaves, could ascertain the page referred to by the auctioneer, the lots were knocked down before any intending purchaser knew what to bid, or which lots he was to bid for, unconnected with what deponent believes to have been an illegal combination, comprising J. S. Cohen, Agent of the Commission, Andrew Jackson Butler, his fellow clerk in said Commission, and the auctioneer.

On deponent bidding on one of the batches of lots, the auctioneer stated that he was instructed by Mr. J. S. Cohen, the Agent of the Commission, not to take the bid of deponent, or that of any person who had not paid up all indebtedness to the State.

Deponent had paid up all indebtedness, except an amount equal to what the State is indebted to deponent, the State having sold lots to deponent that have been adjudged by the U. S. District Court of this city not to belong to her. But deponent believes the sole reason of said auctioneer, in conjunction with Cohen, in preventing deponent bidding for and protecting his property was, that deponent had already paid Selover & Sinton upwards of \$1,100 for a single deed that was to have been made for his lots; but the auctioneer expected to reap a further sum of \$1,100 from a new purchaser, and that he could not expect a duplicate amount from deponent, who after the sale demanded from said auctioneer the return of said amount, but deponent was told to go to law and obtain it, as he (the auctioneer) would not return a dollar.

During the sale, in several instances, upwards of one hundred lots were hastily called, and within a minute or so knocked down to the name of Brown—though in the sales-book the name of Andrew Jackson Butler was inserted instead, as A. J. Butler, who deponent believes was at this time a fellow-clerk with J. S. Cohen in the office of the State Land Commissioners.

The pages of the catalogue were turned back again, and with the same velocity eighty-three lots, from Nos. 316 to 399 inclusive, were hastily called out, and as hastily knocked down, at \$10 each, to Brown *alias* A. J. Butler. The first three lots of this last batch, Nos. 316, 317 and 318, had been sold to deponent by Selover & Sinton, and the deed delivered to him by the former Commissioners, and were of small value; but among these eighty-three lots thus sacrificed for \$830, one-half of them had netted at former sales, when sold singly and honestly, full \$20,000. And there were several intending purchasers at the sale, ready to offer on a single lot more than the eighty-three were sacrificed to Butler for, yet they were prevented bidding, for as the auctioneer was dropping his hammer, Mr. William H. Clark raised the bid, but the auctioneer refused to take it. Instantly Mr. Clark bid twenty-five dollars, at which amount the law constituting the Commission makes it imperative on the auctioneer to re-open the bid; but he refused to do so. Mr. Clark then protested against the illegality of the sale.

These last eighty-three lots comprised the most valuable lots of all that had been sold on account of previous purchasers. The property of twenty-one different purchasers were thus jumbled together, besides other unsold lots, and in no instance did the auctioneer state on whose account they were sold. The catalogue had been made up for the purpose of this wholesale plunder; for the lot comprised several on North Beach, South Beach, Stockton, Sansome, Battery, Front, Davis, Drumm, Vallejo, Pacific, Jackson, Market, Mission, Harvard, Folsom, First, Stuart and Spear Streets; also one hundred vara lots, fifty vara lots, and the usual wara lots. All these became the spoil of A. J. Butler for ten dollars each.

On the lots on Montgomery Street being offered, the auctioneer was greatly



annoyed at the spirited bidding, and frequently stopped to tell the audience that they surely did not know what they were bidding for, that it was the State's interest for ninety-nine years hence, and used every unfair means to prevent the bidding on those lots.

The sale comprised eight hundred and sixty-seven lots of some of the most valuable property in the city, and excepting a few isolated lots, in which the auctioneer felt no particular interest, the sale was hastily slurred over, at the rate of about twenty lots per minute—the sale commencing at 12 M., and finishing at a quarter to 1 o'clock—in all forty-five minutes.

The sale was conducted in an illegal and improper manner. The lots were principally knocked down to Brown, *alias* A. J. Butler, and the fictitious sale conducted under the auspices of J. S. Cohen, his fellow clerk and agent to the Land Commission for the sale of the State's interest. The lots were sold in batches of from eighty lots and above.

The auctioneer has since stated to deponent that the reason why the name of Brown was given instead of Butler, was that Butler was insolvent and that judgments were recorded against him to a large amount. The auctioneer made no secret of his reason for his conduct at the sale; he stated to deponent that it was the last opportunity he should ever have to make a good thing, and that he should go in for it.

Deponent also believes that the former purchasers at the sale of the State's interest, etc., are not alone the victims to this fictitious sale, but that the State has been equally swindled in the accounts of charges. In proof, deponent would adduce the auctioneers' charge of two thousand dollars for advertising said sale in the city paper called the *Echo du Pacifique*, the agents of that paper receiving little more than ten per cent. on that amount; in short, the auctioneer charges the State \$2,000, where he scarcely paid \$250.

In conclusion, deponent avers, that among the many land sales he has witnessed, he never saw one conducted in the illegal manner as the sale in question; that it was not conducted for the benefit of the State, but deponent believes solely for the interests of the auctioneer, the agent of the Commission and the clerk of the same. Deponent also believes, that by this disgraceful sale the State was a loser of from \$150,000 to \$200,000; for whenever the auctioneer dwelt on lots in which he felt no interest, a large price was obtained.

That deponent believes that to give validity to the aforesaid sale, would cast an indelible stain on the honor of the State; and it is hoped that the Honorable the Legislature will declare said sale invalid, and will pass a resolution enabling the present Board of Commissioners to settle with all outstanding claimants in a just and equitable manner.

Deponent also avers that the State sales have always been conducted with marked partiality by the auctioneer, though *most honorably* by the former Board of Land Commissioners, as the property of the private friends of the auctioneer was hastily passed over, and any person bidding on such lots were always frowned upon, and in more than one instance brow-beat by the auctioneer, who nevertheless dwelt long enough on the lots of those toward whom he felt no such sympathy.

Deponent avers that the law of May 1st, 1855, forming the present Commission only allows the State sales to be advertised in five city papers, whereas the sale of the 10th of October last was advertised in nine papers, and in an elaborate, unnecessary, and wholly unusual and most expensive manner; and deponent believes that this express departure from the law was for nefarious reasons, as in the case of the paper called the *Echo du Pacifique*.

In the case of Benjamin Richardson, no less than one hundred and thirty-two of the lots on which he had paid two installments, and had offered the third and

last installment, but it was refused to be taken, as Richardson repudiated the idea of paying the extortionate amount of \$1,980 for a single deed for said lots. The one hundred and thirty-two lots were sold in one batch within the space of one minute to the omnivorous A. J. Butler, under the usual assumed name of Brown.

The sale of lots on account of former purchasers was also illegal, as the present Board of Commissioners had only authority to sell such lots as remained unsold on the first day of May, 1855.

Against the former purchasers who refused to settle up in full, the State had its proper remedy, which it had already resorted to in several cases.

J. S. POLACK.

J. S. Polack, being duly sworn, says that he has read the foregoing statement, by him signed, and knows the contents thereof; that the same is true of his own knowledge, and to the best of his belief.

Subscribed and sworn to this 11th day of February, 1856, in presence of

JNO. D. SCLELEN.

Henry F. Joseph, being duly sworn, doth depose and say: That he is a resident of San Francisco; was present at the sale of the 10th of October last; came into the room where the auctioneer, Mr. Selover, was about selling lot No. 500; was requested by Mr. Richardson to watch when his property was sold, and to buy in the State's interest. I waited until the sale had got down to the number just preceding Mr. Richardson's on the catalogue. Mr. Selover then skipped over all that of Mr. Richardson's, and commenced on another page. He remarked that they were nearly at the end, and the sale would close. Mr. Richardson's lots on the catalogue ranged from Nos. 719 to 849; my impression is that these lots must have been sold out of this order, as I watched the sale attentively, and could not find that they were offered.

HENRY F. JOSEPH.

James T. McDougal being duly sworn, doth depose and say: I reside in San Francisco; was present at the sale of the interest of the State of California in water lot property in the City of San Francisco, on the 10th day of October, 1855, at the auction room of Selover & Sinton, San Francisco; think that certain property was there sold contrary to the usage of auctioneers, and contrary to law; as an instance, the sale did not take place in accordance with the order mentioned in the catalogue of sale; property embraced in No. 316 of the catalogue, was put up and bid off, with the privilege on the part of the buyer of taking lots, if he desired, to No. 399 of said catalogue. They were put up in a hurried manner, so that a person could not bid understandingly; between the numbers mentioned were lots and blocks of land of great inequality of value, some particularly valuable in the Government Reserve, bounded by Jackson, Oregon, Davis and Front Streets; in one of the lots, bounded by the streets just mentioned, the State's interest was worth about \$1,000; another lot in the Reserve, bounded by Jackson, Oregon, Drumm and Davis, was worth \$1,000; there were lots bounded by Market, Spear and Main Streets, worth each about \$100. The purchaser of No. 316 took all the lots to No. 399, inclusive, at ten dollars per lot. The sale was conducted so rapidly, and lots struck off so quickly, that one not posted and on the scent, had no chance of bidding. After the aforesaid lots were struck off, and within a few seconds, an additional bid of twenty-five dollars per lot was offered, which the auctioneer refused to take. The auctioneer upon the occasion was A. A. Selover. The whole sale, embracing upwards of eight hundred lots, was made in

less than an hour. Was a bidder at the sale, and purchased a few lots; had an interest (the city title,) in some of the property specified in the catalogue between Nos. 316 and 399; was not a bidder for any of the lots between the aforesaid numbers; felt desirous of doing so, but had no opportunity, owing to the manner in which the property was struck off. Think I never had a quarrel with Mr. Selover; I have had some conversation with him touching the sale, and expressed the opinion that it had not been conducted fairly; he replied, saying that it "was sharp practice, the sharpest he had ever had in his shop;" never had a difficulty with the recent Board of Commissioners, but had some difference as to the amount of land to be included in a deed from them to me, in consequence of a bid of mine. Am a merchant; my only motive in appearing before the Committee is to perform what I consider to be the duty of a good citizen, by aiding to correct abuses.

JAMES T. McDOUGAL.

James B. Townsend being sworn, deposes and says: I was present at the sale made on the 10th day of October, 1855, by the State Land Commissioners, at the office of Selover & Sinton, who were the auctioneers; I came a few minutes after 12 o'clock, and the sale was already commenced; I had one of the catalogues in my hand, and endeavored to find the lots which the auctioneer, Mr. Selover, was selling. I soon discovered that he was not selling the property in the order in which it was placed in the catalogue, but jumping from place to place, and so rapidly, that I was generally unable to find the lots that he was selling before they were knocked down. Others who stood about me made the same complaint, and pronounced the sale a swindle. The lots were not sold singly, but a large number, often, I believe, as many as ten, twenty, and probably thirty or forty, together; they were sold at so much per lot; I noticed that the auctioneer sold very rapidly, dwelling but a very short time on the lots when up; I noticed, also, that most of the lots were knocked down to the names of a few persons who apparently stood about the auctioneer.

The lots contained in the block bounded by Montgomery Street on the west, Sansome Street on the east, Jackson Street on the north and Washington Street on the south, I had no knowledge was to be sold until the morning of the sale, when I saw it in the catalogue. I had called at the auctioneers' rooms for a catalogue a day or two before, but was unable to get one, and was told they had not yet come from the printer's. This sale had been advertised in the *San Francisco Herald* from about the 23d of September until the day of sale, but the lots in this block were not contained in the list advertised in that paper.

Before putting up the lots contained in this block, Mr. Selover stated to his audience that the only interest which he was about to sell in these lots was the State's reversion after ninety-nine years; that the matter had been to the Supreme Court, and that the Court had so decided; that he made this statement in order that the purchasers might be aware of what they were buying. The auctioneer then commenced crying these lots one at a time. They seemed to me to be knocked down with unusual rapidity, and I think, in several instances, before the bidding had ceased; once, certainly, during the sale of these lots, the auctioneer stopped, and stated in substance that he thought the parties bidding could not be aware of the condition of the property and of what they were bidding on. He seemed to me to be dissatisfied that the lots were being run up so high. A friend of mine, Judge John McHenry, had a claim of title upon three of these lots, and for that reason, principally, I myself bid upon at least two of these lots, and until I was satisfied that bidding was useless. I run one of these lots up to some six hundred dollars, when it was knocked down to another person, as I thought, without the auctioneer's turning to take any further bids from me. I protested aloud against their



being knocked down before I had done bidding, which was done in regard to some of them. They were sold with unusual rapidity, and I think all knocked down to the same person. I did not persist in having the bidding re-opened after they were knocked down, as I should have done had I not *supposed* they were being bought in for the persons in possession. How this was, in fact, I know only from what I have heard. I would have bid for several of the lots more than they were knocked down at had any bids been taken, and the sale conducted with the usual deliberation, and an equal opportunity afforded for all to become the purchasers. Toward the close of the sale of the lots in this block, two, and, in one instance, I believe, three full, original sized water lots were sold together, and knocked down at the same bid. I think these lots would have brought much higher prices had they been sold in the ordinary way. I supposed that the putting up two and three in the lump was to prevent competition. I thought at the time and still think, that the sale was conducted with gross and palpable unfairness and impropriety.

J. B. Townsend being duly sworn, says: That he has read the foregoing statement and knows the contents thereof, that the same is true of his own knowledge except as to the matters stated therein on information and belief, and as to these matters he believes it to be true.

J. B. TOWNSEND.

George Simpton being duly sworn, deposes and says: I was appointed by Messrs. John C. Hayes and Ira Munson to act for them and purchase in their names the interest of the State of California in and to a certain lot, numbered in the catalogue No. 454, and described as follows:

"Commencing on the north line of Oregon Street, ninety feet east of Davis Street, thence east thirty feet front, by sixty feet in depth."

That I attended the said sale made by Selover & Sinton, in the City of San Francisco, on or about the 10th day of October, A. D. 1855; that I made three distinct bids for the same, all of which were in an audible tone of voice, and were heard by the by-standers; that the last bid made on said lot was by me, and for the sum of \$1,100; that the lot was knocked down to Dr. Coryell; that I claimed the bid of Mr. A. A. Selover, before he had time to put up another lot; that I remonstrated with the said Selover, to no purpose.

I furthermore swear that the said lot is held in trust by Messrs. Hayes and Munson for the benefit of my children, and that the said lot, exclusive of the last sale of the State's interest, has cost the sum of \$2,000, and paid by the said trustees, Hayes and Munson, and held in trust for the benefit of my children.

George Simpton being duly sworn, deposes and says, that he has read the foregoing statement, by him signed, and knows the contents thereof, and that the same is true.

GEORGE SIMPTON.

#### COUNTY OF SAN FRANCISCO:

R. H. Sinton, of said county, being duly sworn, deposes and says: That he is a member of the firm of Selover, Sinton & Co.

That said firm acted as auctioneers who conducted the sale of the State's interest in certain property in the City of San Francisco on the 10th day of October, 1855. That said sale would take place on that day was a fact of the greatest notoriety, as the same was fully and particularly advertised in the public newspapers for — days previous thereto, and catalogues freely circulated on the day of sale, containing a full description of all the property sold.



That it was this deponent's duty to reduce the contract of sale to writing, that is, to note the names of the purchasers and the price paid for the respective lots as sold; and for that purpose he stationed himself by the side of Mr. A. A. Selover, and deponent did not leave his position for a single moment during the entire sale; and at no time during said sale did this deponent find the least difficulty to keep the run of the lots, or to keep pace with the auctioneer, or to note said contract of sale as aforesaid at the proper time.

And deponent further says, that said sale was conducted with all the formalities and precision of any previous State sales, and that all persons who attended said last sale had an equal opportunity for purchasing, except the former delinquents whose bids the auctioneers were ordered by Mr. J. S. Cohen, State Agent, not to be taken. That none of said delinquents, to the knowledge of deponent, offered to bid at said sale, except S. C. Hastings, whose bid was refused, in pursuance of before-mentioned order.

And deponent further says, in proof that no undue haste or rapidity was used in conducting said sale; that said sale, comprising about eight hundred and fifty lots, occupied about one hour; that sale of the 26th of October, 1854, comprising nearly sixteen hundred lots, occupied just two hours; that sale of 18th January, 1855, comprising twelve hundred lots, occupied scarcely one hour and a half.

That said sale in question should not have taken as much time as the others, from the fact there were not so many lots sold, and that nearly all, or a greater portion, were lots re-sold on account of a small number of delinquent purchasers at former sales; and the mode adopted on this occasion, as customary in such cases, was to classify the lots of each delinquent purchaser; then put up one lot of a block (usually the corner lot,) with the privilege of the rest, and as often as the purchaser exercised the privilege it necessarily shortened the time that would otherwise be consumed if the lots had been sold separately.

This mode of selling, instead of producing an injury or loss to the State, tended, in deponent's opinion, to benefit her; and deponent's reasons arise upon the following state of facts:

It is well known that there are conflicting claims or titles to much of the water lot property in San Francisco, and also that there was an existing feeling in the community to favor those who were supposed to be the real owners under the city, which feeling prevented all adverse bidding, very frequently, and the owner—real or supposed—got the lot at his own bid, which was frequently merely nominal; but by putting up the best lot in a block or batch, with a privilege of the whole, the field for competition was opened to the capitalists and operators in real estate, who bid freely on the property, without reference to the sympathy of the claimant or his friends.

This deponent further says, that his opinion is not founded upon reasoning merely, but upon the following facts:

The first batch offered at sale in question was the lots known familiarly as the "city slip lots," which brought fifty dollars each. These lots are each nearly twenty-five feet by sixty feet, or say 1,500 square feet.

The water lots on the opposite sides of this property, that is, on Clay Street on the north and on Sacramento Street on the south, (in fact the following applies to all the old water lots on the east side of the city, sold on the 17th of August, 1854, (when real estate was commanding far higher prices than when this sale took place) for one hundred dollars each. These lots are all forty-five feet ten inches by one hundred and thirty-seven feet six inches, or say 6,300 square feet—more than four times as large as the city slip lots;—yet, it will be seen that two city slip lots, (not one-half of a water lot) brought the same sum that more than four times the same amount of land on opposite side of same street brought; the obvious reason being as before stated, that claimants bought at first sale, and the public at the second. That the State was the gainer by the mode of conducting last sale is apparent.

And the deponent further says, that Judge Hastings, Dr. Corvett, and others, paid higher prices for lots on the "Government Reserve" than lots so situated ever brought before.

And this deponent further says, that the one hundred and thirty-two lots, styled as the "B. Richardson lots," are situated in what is known as "Mission Bay," and are and were in October, 1855, almost wholly worthless. Previous to the sale in question, these lots were offered at public sale several times, without a single bid being obtained at any price; yet, at the sale in question, these lots brought ten dollars each. At the sale that took place the year previous, these lots brought just twenty dollars each; but at that time this property was looked upon as having a real and considerable value. Had the former delinquent been allowed to bid as owner on these lots, this deponent believes that the State would not have realized five dollars each.

And this deponent further says: That the same remarks apply to the "Polack batch," for the number and nature of which see annexed catalogue.

And this deponent, further says: that J. T. McDougal and Clark are bitterly hostile to the members of the late firm of Selover & Sinton, and that said enmity arose in the following manner: Said Dougal, having purchased large batches of lots at State's sale of the 18th of January, 1855, in connection with said Clark, at sundry times endeavored to get deponent to draw the deed in such a manner as to include not only said large batches, but also an immense and indefinite tract of land adjoining said large batches, which deponent refused to do. After leaving deponent, said McDougal and Clark endeavored to persuade Major John S. Love to allow the deed to contain the desired description; this deponent again thwarted said McDougal and Clark, by calling the attention of Major Love to the impropriety of carrying out said design. That deponent verily believes that said McDougal and Clark entertain feelings of bitter personal enmity against Mr. A. A. Selover, and that they would eagerly seize upon any pretext to work an injury upon said Mr. Selover and deponent.

And deponent further says: That said Polack entertains great personal hostility toward deponent and his partner. In his evidence before the Superior Court, in the case of *Richardson vs. Bigler* and others, said Polack swore to about the same thing as contained in his affidavit, evincing much feeling during the whole time.

And deponent further says: That said Polack's enmity and ill-feeling against the firm of Messrs. Selover & Sinton, arose entirely, as deponent believes, from a refusal to pay back about \$1,100, paid by him to deponent's firm for deeds and commissions; which services were actually rendered to said Polack, but he having afterwards become delinquent, demanded a return of said money; and deponent's firm, deeming said Polack not entitled to the same under any circumstances, refused to refund the same unless compelled by law; and since that refusal said Polack has taken no legal steps to enforce payment.

And this deponent further says: That said McDougal and Polack have been in the habit of purchasing batches of lots at previous State sales, and he never before heard that either of them found fault at what they now term the "batch system," or the manner said sale was conducted.

R. H. SINTON.

Sworn and subscribed to before me, this 23d day of February, 1856.

JAMES H. BRISTOW,  
Notary Public.

COUNTY OF SAN FRANCISCO, ss:

C. C. Bowman, of said county, being duly sworn, deposes and says: That he has attended every State sale that has taken place in the City of San Francisco,

and that deponent was a purchaser at most of such sales; that at the last sale deponent remained during one-half or two-thirds of the whole sale; that said sale was conducted with the greatest fairness, and with all necessary deliberation on the part of the auctioneers, and every opportunity was offered to bidders; that deponent had no difficulty to follow the auctioneer, or to make his bids, which were readily taken, and deponent had no privileges different from any of the persons attending said sale: and for aught this deponent could see or learn, said sale was conducted like all other previous State sales.

CHARLES C. BOWMAN.

Subscribed and sworn to, this 19th day of February, 1856, before me,

H. A. COBB,  
Notary Public.

Edward Jones being duly sworn, deposes and says: That he attended the public sale of State's interest in water-lot property, (conducted by Selover, Sinton & Co., auctioneers,) on the 10th day of October, 1855; that deponent has attended several State sales, all of which were conducted in the same manner as that of the 10th of October, 1855; that all of said sales have always been conducted in a fair and impartial manner; and that all persons wishing had ample opportunity to bid; that deponent particularly recollects the sale of the block bounded by Montgomery, Jackson, Sansome and Washington Streets; that the same was put up by *single* lots, and the bidding became very animated, and created much excitement; that each and all the lots in said block were struck down to J. R. Coryell at prices in my opinion far above what I believed to be the value of the State's interest in the same.

EDWARD JONES.

Sworn and subscribed to before me, this 26th day of February, 1856.

H. A. COBB,  
Notary Public.

STATE OF CALIFORNIA, County of San Francisco, ss:

John Satterlee being duly sworn, deposes and says: That he was present at the sale of the interest of the State of California in certain property in the City of San Francisco, made by the State Land Commissioners on the 10th day of October last; that the interest of the State in the lots bounded on the north by Clay Street, on the west by Davis Street, on the south by Sacramento Street, and on the east by East Street, known as the City Slip Property, was sold at said sale for fifty dollars each lot. This deponent says, that in his opinion the value of the interest in any one of said lots acquired by any purchaser at said sale did not exceed the amount bid.

JOHN SATTERLEE.

Subscribed and sworn to before me this 23d day of February, 1856.

ROBERT ROGERS,  
Notary Public.

P. Warren Van Winkle being duly sworn, deposes and says: That he attended the sale of State's interest in water lot property sold at public auction by Selover, Sinton & Co., on the 10th day of October, 1855; that deponent attended said sale as one of the executors of the last will and testament of J. S. Folsom, deceased, for the purpose of purchasing the State's interest in certain water property belonging to the estate of said Folsom, deceased; that the sale was fairly and



openly conducted; that deponent paid the sum of fifty dollars per lot for said property, which in deponent's opinion was more than the interest of the State in the same was, or is now, worth.

P. WARREN VAN WINKLE.

Sworn and subscribed before me, this 25th day of February, 1856.

H. A. COBB,  
Notary Public.

H. A. Cobb, of said county, being duly sworn, deposes and says: That deponent was present at the sale of the 10th of October, 1855; that said sale was conducted with the utmost fairness and deliberation, affording to all persons, except delinquents, an equal opportunity for bidding; that deponent further says, that on several occasions there were several claimants to the same property sold, and the same was invariably re-sold, that all might be satisfied; that deponent followed the auctioneer with the utmost facility in all parts of said sale; that deponent is acquainted with the value of the State's interest, and in deponent's opinion the same brought its full value.

H. A. COBB.

Subscribed and sworn to, this 22d day of February, A. D. 1856.

JAMES H. BRISTOW,  
Notary Public.

COUNTY OF SAN FRANCISCO, ss:

H. C. Partridge, of said county, being sworn, says: That he was present at the State sale that took place on the 10th day of October, 1855; that said sale, in deponent's opinion, was conducted with the utmost fairness and deliberation on the part of the auctioneers; that deponent had not the least difficulty to follow the auctioneer; and that said sale was conducted in every respect like other sales of real estate; and deponent further says that he remembers distinctly when the property was sold, as is claimed to have been struck off to Brown, and entered in sales-book to Butler; that deponent heard the auctioneer take the name of the purchaser, and heard the purchaser give his name as Butler, and not as Brown, as is alleged.

H. C. PARTRIDGE.

Sworn to this 23d day of February, 1856, before me,

JAMES H. BRISTOW,  
Notary Public.

COUNTY OF SAN FRANCISCO, ss:

T. C. Gilman, of said county, being sworn, says: That he attended the State sale on the 10th day of October, A. D. 1855. That said sale was conducted in a fair, open and deliberate manner. That deponent was a bidder, and made his bids without difficulty. That deponent attended previous State sales, and he noticed no difference in the manner said sale was conducted to the former sales. And further the deponent says not.

T. C. GILMAN.

Sworn to before me this — day of February, A. D. 1856.

H. A. COBB,  
Notary Public.



## COUNTY OF SAN FRANCISCO, ss :

E. T. Crane and others undersigned, residents of said county, being severally duly sworn, each for himself deposes and says: That he is the holder of the State's interest in and to lots in the property known as the "City Slip Lots," in the City of San Francisco, which interest the State sold on the 10th day of October, 1855. That deponent has acquired his said interest since said State sale, and paid for the same the price per lot for which said property sold at said sale, to wit: fifty dollars.

That deponent neither at the time of the said sale, nor at the time when he paid his money and took his deeds for said land, had heard that the said sale of the above-mentioned property was in any way impugned or questioned for fraud or irregularity, and that he took his deeds for said land in the full belief that said sale was regular, and that he acquired thereby the interest of the State.

And deponent further says, that the price paid for each of said lots was fifty dollars; that he then believed, and still does believe, the said price to be at least as much as the State's interest in said lots was, or is, worth, and was the utmost that they would have been willing to give for the same.

And deponent further says, that he is advised by counsel that he has a good title, under any view of said sale—he being an innocent purchaser in good faith, and he asks that the action of the committee will not create a cloud upon his said title.

E. T. CRANE,  
LOUIS J. FORD,  
EDWARD MARTIN,  
DAVID C. MCCARTHY.

Subscribed and sworn to before me this 25th day of February, 1856.

JAMES H. BRISTOW,  
Notary Public.

## COUNTY OF SAN FRANCISCO, ss :

Thomas J. Smiley and Frederick Collier, residents of said county, being severally duly sworn, each for himself deposes and says: That he is the holder of the State's interest in and to lots in the property known as the "City Slip Lots," in the City of San Francisco, which interest the State sold on the tenth day of October, 1855. That deponent has acquired his said interest since said State sale, and paid for the same the price per lot for which said property sold at said sale, to wit: fifty dollars. That deponent never heard said State sale impugned or questioned on any grounds, and deponent took his deeds for the same with the full belief that said sale was regular in every respect, and without the least suspicions of any fraud whatever. And deponent believes at this time that said sale was regular and fair in every particular, and that the State's interest in this property brought its full value.

And deponent further says, that he is advised by counsel that he has a good title under any view of said sale, he being an innocent purchaser in good faith; and he asks that the action of the committee will not create a cloud upon his said title.

THOMAS J. SMILEY,  
FREDERICK COLLIER.

Sworn to and subscribed before me,

H. A. COBB,  
Notary Public.

## COUNTY OF SAN FRANCISCO, ss:

Ferdinand Vassault, of said county, being sworn, deposes and says: That he has attended the several sales of the State's interest in property in San Francisco. That deponent was present at the sale of the 10th of October, 1855; that said sale was conducted with the utmost fairness and deliberation, affording to all persons, except delinquents, an equal opportunity for bidding; that on several occasions there were several claimants to the same property sold, and the same was invariably resold, that all might be satisfied. That deponent followed the auctioneer with the utmost facility in all parts of said sale. That deponent is acquainted with the value of the State's interest, and, in deponent's opinion, the same brought its full value.

FERDINAND VASSAULT.

Subscribed and sworn to before me, this 22d day of February, A. D. 1856.

D. B. HEMPSTEAD,  
Notary Public.

## COUNTY OF SAN FRANCISCO, ss:

R. A. Fish, of said county, being duly sworn, says: That deponent has attended all the various State sales that have taken place in the City of San Francisco, and he is very familiar with the manner said sales were conducted.

That at the sale of the 10th day of October, 1855, he acted as the auctioneer's clerk on that occasion, and it was his duty to note the history of said sale, that is, the names of the purchasers and the prices paid for the respective lots as sold; and for that purpose deponent was stationed near the auctioneer, which position deponent kept through the whole sale; and at no time did deponent have the least difficulty to keep the run of the lots as sold, or to keep pace with the auctioneer, or to note the contract of sale at the proper time.

And deponent further says, that the various sales of lots, the names of the purchasers, the prices paid, were entered by deponent as announced audibly in the presence of the audience at said sale.

And this deponent further says, that said sale was conducted with all the formalities and precision of any previous State sale, and all persons had an equal opportunity for purchasing, except the former delinquents, whose bids were to be refused, by order of State agent, if made; that there was no undue haste or rapidity in conducting said sale.

And deponent further says, that he knows that J. T. McDougal is bitterly hostile to Selover & Sinton, and he believes that such feeling arose from the fact that said Selover & Sinton thwarted said McDougal from obtaining a deed to property from the Commission, that he was not entitled to.

And deponent further says, that he is aware of the fact that J. S. Polack is hostile towards Selover & Sinton.

R. A. FISH.

Sworn this 16th day of February, 1856, before me,

CHARLES HALSEY,  
Notary Public.

## COUNTY OF SAN FRANCISCO:

Charles D. Carter, of said county, being duly sworn, deposes and says: That he is a real estate broker, and has been engaged in said business in the City of

San Francisco for three years last past. That this deponent was present at the sale of the State's interest held on the 10th day of October, 1855.

The object of this deponent attending said sale, was to purchase the State's interest in certain lots in the plat known as "City Slip Property," which deponent then claimed under title from the City of San Francisco. This deponent expected that he would be able to purchase said State's interest for ten dollars each; but deponent did not purchase, because said interest brought more than deponent anticipated, and more, in deponent's opinion, than said interest was worth.

That during the sale of said slip property there was more than usual deliberation, and an equal opportunity given to the speculator and the owner under the city, which course was unsatisfactory to deponent, and he left after these lots were sold.

And deponent further says, that as far as he could discover, the sale was conducted with all fairness on the part of the auctioneers; and deponent, during all his stay at said sale, heard no dissatisfaction expressed.

That deponent is well acquainted with the value of property in San Francisco, and particularly the State's interest therein; and that the price said interest brought was much greater than the actual present value of said interest; and deponent believes that said price was commanded more by the manner the said sale was made than by any thing else.

CHARLES D. CARTER.

Subscribed and sworn before me, the 22d day of February, 1856.

JAMES H. BRISTOW,  
Notary Public.

COUNTY OF SAN FRANCISCO:

William F. McLean, being duly sworn, deposes and says: That he was present during the State sale held on the 10th day of October, 1855. That said sale, in deponent's opinion, was conducted with all fairness and necessary deliberation, affording an equal opportunity to bidders or purchasers. That this deponent noted the prices for which the lots sold, in the margin of the catalogue, and deponent had no difficulty in so doing. That deponent attended said sale for the purpose of purchasing, but did not do so because he thought the prices for which the property sold were too high.

WM. F. McLEAN.

Subscribed and sworn to before me, this 22d day of February, 1856.

D. B. HEMPSTEAD,  
Notary Public.

STATE OF CALIFORNIA, County of San Francisco, ss:

S. C. Hastings, upon oath says: That he has attended the various State sales, and knows the manner said sales have been conducted, and that he was present at the sale of October 10th, 1855. That said sale appeared to be substantially conducted like all other State sales. That in all cases where the property was valuable, or the State's interest was of any considerable value, the auctioneer gave sufficient time to bidders, and struggled for the highest bids, and courted competition from all persons except delinquents; and whenever there was more than one claimant to property knocked down, the same was invariably resold. That there were many lots in which the State claims an interest after ninety-nine years from date of cession to San Francisco, and which lots are at present of no value



for immediate use, which were sold in considerable haste, and in numbers of one with the privilege; but deponent thinks they were sold for more than they could be sold for if now resold. That deponent purchased through Mr. Poland property of both classes, and paid for the same more than the State's interest is worth, and would now credit the State with \$1,000 if it would refund the amount of his purchases and re-sell the property.

S. C. HASTINGS.

Sworn to and subscribed before me, this 22d day of February, A. D. 1856.

D. B. HEMPSTEAD,  
Notary Public.

COUNTY OF SACRAMENTO:

Sam. Bell of the county aforesaid, being duly sworn, deposes and says: That he attended the sale of State's interest in water lot property held in the City of San Francisco, on the tenth day of October, A. D. 1855; that said sale was conducted by Selover, Sinton & Co., real estate auctioneers; that said sale was made with great fairness and deliberation, giving all who desired (except delinquent purchasers at former sales,) an equal opportunity to bid upon the property; that the bidding at said sale was very spirited, and, in the opinion of deponent, the property brought its full value, in regard to the State's interest; that, in several instances, the lot or lots, upon being knocked down or claimed by different parties, the same were put up again, in order to give satisfaction to all concerned.

SAMUEL BELL.

Sworn and subscribed before me, this 27th day of February, A. D. 1856.

WM. W. PRICE,  
Notary Public.

SACRAMENTO CITY, March 1, 1856.

MESSRS. SELOVER, SINTON & Co.:

GENTLEMEN:

Your letter of 20th of February has been received, and I proceed to reply to your interrogatories in the order in which they are put:

First. I was a member of the Board of State Land Commissioners appointed under the water lot Act of 1852, to dispose of the State's interest in the water lot property in the City of San Francisco.

Second. I am familiar with the manner in which State sales were conducted by the first Board of Commissioners.

Third. Mr. J. T. McDougal purchased a large number of lots situated in the southern part of the city, known as South Beach.

Fourth. McDougal called upon me as one of the Commissioners, to make deeds for the lots purchased by him, but claiming a deed to embrace property outside of the boundary line as laid down by the law of 1852, under which the Commissioners were acting, I declined making such deed.

Fifth. The first that I knew of McDougal's claiming such property was by a communication addressed to me at Sacramento City by R. H. Sinton, of San Francisco, advising me of the fact that McDougal claimed a large tract of land other than he had purchased, and lying outside of the line as defined in the Act of 1852.



Sixth. Upon my return to San Francisco, McDougal and Clark (Wm. H.) again called at the Commissioners' Office several times, and demanded deeds to the property claimed by them, which deeds were by me again refused, although I was always ready and willing to give deeds for such property as McDougal had bought, and in accordance with the large maps in the office, and by which said maps the property in question had been sold.

Seventh. The first Board often, where the property was not valuable, sold a corner lot, with the privilege of the block; this method, so far from being prejudicial to the interests of the State, was clearly, in my opinion, the best that could have been adopted.

The principal cause of complaint I have heard against the old Board was, that the prices obtained by the State were too high.

JOHN S. LOVE.

Sworn and subscribed to before me this 1st day of March, 1856.

J. R. BEARD,  
Clerk of Supreme Court.

By DAV. T. BAGLEY, Deputy Clerk.

R. M. Jessup, being duly sworn, deposes and says: That he was present at sale of State's interest in water lot property made by Selover, Sinton & Co., on the tenth day of October, 1855; that said sale during deponent's presence, was, in his opinion, conducted with fairness and necessary deliberation, affording an equal opportunity to all bidders; that said sale was conducted in a similar manner to previous State sales attended by deponent; that in relation to the city slip property the price obtained was far above what the State's interest was worth, in the opinion of deponent.

RICHARD M. JESSUP.

Sworn and subscribed to before me, at San Francisco, this 26th of February, 1856.

H. A. COBB,  
Notary Public.

John R. Coryell being duly sworn, upon oath deposes and says: That he attended and was a purchaser at the State sale of water-lots, held at the auction room of Selover & Sinton, on the 10th day of October, 1855. That every lot bought by him was put singly and alone, and cried and knocked down to him, one at a time: and that he bought no lot, excepting the last two, without competing bids. That lots in block bounded by Washington, Jackson, Montgomery and Sansome Streets, were started by T. J. A. Chambers and Levi Parsons, at fifty dollars for the first lot sold, which said Coryell raised to one hundred and seventy-five dollars; and all bids on lots in said block were raised by him in prices ranging from one hundred to eight hundred dollars for each lot. That after he had over-bid Mr. Parsons, who was attorney for the possessors of said block, and Mr. Chambers, who was also a possessor, and during the crying of said lots by the auctioneer, Mr. Parsons came before the auctioneer's stand, and addressing him, Coryell, said that he gave Mr. Coryell notice that they (meaning said possessors) would take steps to keep the said Coryell from getting title; the auctioneer suspended his crying while Mr. Parsons was so addressing him. And that the said Chambers also, during the sale of said lots, and after said Coryell had over-bid him, came between the auctioneer and said Coryell, and remonstrated with said Coryell, said—"Mr. Coryell thinks he is buying a good thing." That upon these

events, the auctioneer asked said Coryell from the stand, if he knew what he was buying, and was acquainted with certain litigations had upon the property : and was answered affirmatively, or impliedly so. That some time after the sale, the auctioneer informed said Coryell that said Parsons and Chambers had been to him before the sale, and asked him whether, in his opinion, said lots could not be bought by them, the possessors, on the day of sale, at fifty dollars each. And that of said Coryell's own knowledge, on the day of sale, said Parsons and Chambers did start said lots, at a bid of fifty dollars, and did remonstrate with said Coryell for bidding upon said property in said block. And said Coryell further says, that others, possessors of said block, by their attorneys, did bid against him for the lots contained therein ; and that the possessors or others did bid against him on each lot bought by him, except the last two lots in said block, upon which the auctioneer could not obtain any advance upon said Coryell's first bid of two hundred dollars. That but one lot at a time was sold in said block ; and that the auctioneer gave the fullest opportunity to all persons to bid upon the same, as well as upon all other lots bought by said Coryell ; and that he, Coryell, heard no objection to the sale, excepting by persons who wanted to buy property possessed by themselves, but who would not bid the price offered by said Coryell and others, and excepting also bidders who were pronounced by the auctioneer to be delinquents to the State on former purchases made by them. Nor does said Coryell know of any irregularity in the conducting of the sale, excepting only the effort made by said Parsons and Chambers to discourage and deter persons from bidding upon property possessed by themselves, or by parties represented by them, which effort was fruitless, as the auctioneer gave unusual time to persons to bid on said property, and as the competition was greater on said property, between the bidders, and as the auctioneer stated that he sold the entire interest of the State in the same, which was known, or believed, to be Government Reserve.

And said Coryell further says : That he paid for each and every lot bought by said State in Controller's Warrants upon the State Treasurer ; and that he received his deeds in the regular manner, and placed the same on record ; and that he has since sold and conveyed some of the said lots ; and that in all things and toward all parties connected with the purchases and conveyances of said property bought by him at said State sale, he has acted in good faith ; nor was there, in his opinion, upon the part of the auctioneer, in the management and conducting of said sale of October 10th, 1855, anything differing from one other sale of said water lots, attended by said Coryell.

JOHN R. CORYELL.

Sworn to and subscribed before me, this 25th day of February, 1856.

D. B. HEMPSTEAD,  
Notary Public.

S. C. Hastings being sworn, deposes and says : While I was Attorney-General and Bigler was Governor, some years ago, I was informed by Mr. Bates, (and which I found to be true,) that there was pending in the courts a suit wherein the United States were plaintiffs, and Palmer, Cook & Co. were defendants, to cancel the lease of the Government Reserves and to control the rents. That Attorneys on the part of the U. S. Government in Washington City had been engaged, one of whom was here. That Carothers was acting with the Attorneys, and in his capacity as banker, was to receive and disburse funds that might arise from rents. The Attorneys in Washington City and in New York, believed the said leases to be a nullity, and that the United States were entitled immediately to the rents and profits. After an interview, the Attorneys on the part of the

United States came to the conclusion that they had made the wrong parties plaintiffs, and that the land in question truly belonged to the State of California; and hence they, the Attorneys, had waited upon Gov. Bigler and stated their reasons touching the rights of the State, and spoke of an agreement for a compensation in the nature of a per centage in case of a final recovery. The Governor, doubting his authority to make the contract, made application to me for my opinion in the matter; and I gave my opinion, which is and was, that he did possess this power. I did not possess the power myself. With regard to the amount of compensation to be allowed, I referred the Governor to the statute, allowing ten per cent. to any District Attorney for the recovery of money due the State.

I told the parties that I would execute the papers, and that they could take them for what they were worth, and go with them before the Legislature, and that that body would deal liberally with them. I never had any interest in the Carothers' judgment or contract.

The Attorneys, above alluded to, for the United States, at their first interview with me, stated that they had made the contract with the Governor, and that they thought it necessary for me to execute it in my name, as Attorney General. That I then said to them, that I saw no statute to authorize me to execute such a contract. They contended that I had the power to do so, and that it would be legal. I then executed the contract, and gave it to them for what it was worth, they looking to the State to make what they could out of it.

At the time this contract was made, Palmer, Cook & Co. were in possession of the Government Reserves, and claimed a title to them in fee as against the State, and all others. Mr. Carothers, at this time, was a Banker in this city, and had been selected as the financial agent by the Attorneys at Washington, concerned in this case, who was to be appointed Receiver of the rents of the property, when reduced to possession, and was to disburse all funds between the Attorneys interested, and to pay all costs. Mr. Carothers was used only as a business man between the parties.

I then believed, with the Governor, that it would be to the best interests of the State to make the contract, and I believe now it would have been, if the contract had been complied with.

I was present at the last sale. There were two classes of property put up for sale; in one the State had the right of possession in four or five years, and the other a right after ninety-nine years. The last class was property remotely situated from business portions of the city, and comprising the principal part of the catalogue. The first class was in the heart of the city, and very valuable. As to the sale of the first class, I perhaps never saw an Auctioneer make greater efforts to procure high bids, with one or two exceptions, at this sale. As to the sale of the second class, the Auctioneer proceeded in great haste, exposing many lots, one with a privilege. I think the sale produced a greater sum than the property was really worth; it would not command the same price now. The sale occupied more than an hour's duration. I think I saw no more partiality exhibited in this sale, than is usually exhibited at Government sales, to widows, orphans, or helpless persons. I know of no persons being refused as bidders, except delinquents at previous sales. I heard Mr. Selover state the latter fact during the sale.

Those of the lots bid in by Mr. Poland, at the price in the aggregate, of over \$2,000, I had bought at former sales, paid for, and had my deeds, which were not recorded. One or two of the lots for which I held deeds, Dr. Coryell bought. On account of this re-sale of my property by the Commissioner, I used the expression that I had them in my power. I did not know at the time of this sale, that any judgment had been rendered on the Carothers' contract. When I said to Mr. Poland that I considered the Carothers' judgment a swindle, it was immediately after I learned it had been rendered, and that the owner of it had bidden



off my lot at a very high price, three times what it was worth. I think the appraisement of my lots by Mr. Poland is incorrect, as he gives the value of the lots, and not the interest of the State after the expiration of ninety-nine years.

S. C. HASTINGS.

*Statement of Governor Bigler.*

I never made or executed a contract with Jesse Carothers in relation to the recovery of the Government Reserve property. I never authorized Judge Hastings to make the contract to which his name appears. In several conversations had with Mr. Carothers and others, during the winter and spring of 1853, I expressed a willingness to present the question for the consideration of the Legislature, stating to them that I could make no contract without Legislative authority. Mr. Carothers, after contracting with Judge Hastings, requested me to approve the contract made by the Judge, which I *refused* to do; he also forwarded me a contract, in writing, binding the State to pay a *certain sum* of money, which I *refused* to sign.

When this case was before the Referee appointed by the Judge of the Superior Court of San Francisco, I received a letter from Attorney-General McConnell, requesting my testimony.

The day following the receipt of his letter I made an affidavit, a copy of which is herewith transmitted, (marked A,) and also a copy of Mr. McConnell's letter, (marked B.)

With the affidavit I transmitted to Mr. McConnell a copy of the unsigned contract in the handwriting of Mr. Carothers, to establish the fact that it had never been signed by me. A copy of the receipt given by Mr. McConnell for the unsigned contract is also herewith transmitted, (marked C.)

JOHN BIGLER.

FEBRUARY 28, 1856.

[A.]

John Bigler, Governor of the State of California, being duly sworn, deposes and says: That during the winter and spring of 1853, I had a number of conversations with Jesse Carothers, G. C. Bates and Mr. Platt, in relation to the recovery, for the State, of property in the City of San Francisco known as the Government Reserves. Messrs. Carothers, Bates and Platt, all concurred in the opinion that the property rightfully belonged to the State and not to the General Government. During these conversations, I freely expressed my willingness to do all in my power to induce the Legislature, then in session, to prosecute the claim of the State to the property in question, and to provide means for the payment of all the necessary expenses of liquidation—but never claimed that I had power to act in the absence of legislation. Some weeks after the first meeting with Messrs. Carothers, Bates and Platt, I had a conversation with Attorney-General Hastings on the subject; I stated to him all the facts of the case. He agreed with me as to the claim of the State, and concurred in the opinion, that I had no power to make any contract in relation to the matter, without the express consent or direction of the Legislature; but said that he believed there was a section of law relating to per centage payable to District Attorneys in suits brought by the State for the recovery of money or property under which he, as Attorney-General, would be authorized to make such a contract. At that time, I believe, nothing further was said on the subject. About ten days thereafter, I met Mr. Carothers, who informed me that Attorney-General Hastings and himself



had executed a contract, which he desired me to approve, and, also, to execute another. A few days after, I received an agreement, in the handwriting of Mr. Carothers, obligating me, as Governor of the State, to pay him a sum of money to defray expenses, and accompanied by a letter requesting me to come to San Francisco and approve the contract executed by Attorney-General Hastings. I refused to sign the agreement sent me by Mr. Carothers, and, also, refused to approve the contract made by the Attorney-General, upon the ground that, in the absence of legislation on the subject, I had no power to act officially in the matter.

The agreement, executed by Attorney-General Hastings, to the best of my recollection, was never seen by me until after the meeting of the Legislature at Benicia, in 1854.

The precise language used in the several conversations which took place, I cannot now repeat, but do know that I never regarded myself as a party assenting to the contract, or as having done any act to bind the State in the premises.

After the organization of the State Board of Land Commissioners, I regarded them as having entire control over the Government Reserve property; and although I advised the Board to obtain the Attorneys' opinions procured by Mr. Carothers, yet it being for them and not for me to fix upon the amount of compensation to be allowed Mr. Carothers, I never even made a suggestion to them in relation to the terms.

JOHN BIGLER.

[B.]

SAN FRANCISCO, Jan. 6, 1855.

DEAR SIR:

All we want of your testimony in the Carothers case, is to show whether you ever engaged, or authorized any one else to engage, Carothers to prosecute the suits, etc., for the State. It is only necessary for you to testify to this point. I have not seen the Referee yet and do not know whether he will consent to postpone it; at all events he will not put it off very long, since it has already taken up a good deal of time. The sooner we get your evidence, the better for all parties, since it is desirable that a case of so much importance should be decided at the earliest possible opportunity.

I remain yours,

J. R. McCONNELL.

P. S. Did you get my Official Report? I sent it by Adams & Co.'s Express—but see no reference to it in your Report. There are some suggestions in it which I desire to be brought to the eye of the Legislature. If you did not receive it, I suppose it must have miscarried.

McCONNELL."

[C.]

"Received from Governor Bigler, an agreement between John Bigler, Governor, etc., and Jesse Carothers, date — day of April, 1853, in the hand-writing of Jesse Carothers, undersigned.

J. R. McCONNELL,  
Attorney-General.

January 9, 1855."

Archibald C. Peachy, being duly sworn, deposes and says: Was present at the last Public Land Sale, but for a short time; went there for the purpose of bidding in the State's reversionary interest in some lots in the Folsom estate, for the benefit of estate. It was stated by the auctioneer that the lots were to be bid in by the executors for the benefit of the estate. He also stated, at the request of the executors, to all persons who had purchased from Captain Folsom during his lifetime, that the title which the executors would get would enure to their benefit; the lots were accordingly put up for sale. Certain lots in the catalogue, between certain numbers, were put up together, the auctioneer stating that they were lots in the condition that he had alluded to in reference to the Folsom Estate, and Mr. Van Winkle, one of the executors, bid for them at the rate of fifty dollars a lot, and they were knocked down to him. Witness regards fifty dollars as the full value of the State's interest in that property. This sale was made after the decision of the Supreme Court in the case of *The People of the State of California vs. Joseph L. Folsom*, adverse to the claim of the State of California, on the ground of escheat. Witness was not at the sale ten minutes; he left after the sale of the Folsom property; thinks some property was sold before that, but does not remember what it was; took no interest in it.

#### ARCHIBALD C. PEACHY.

George C. Bates, being duly sworn, deposes and says: That he resides in San Francisco, and is a lawyer by profession. A suit was commenced by order of a special agent of the Interior Department at Washington, in December, 1852, on behalf of the United States, against Palmer, Cook & Co., for the possession of property known as the Government Reserves. At this time, Mr. Benham, U. S. District-Attorney, was absent, and the Agent being unauthorized to employ other counsel, was referred to me. The suit was to disencumber the Reserves of the leases held by Palmer, Cook & Co. The ground upon which the Government claimed the Reserves, was, that they had been set apart and dedicated to the Government by Mexican authority, previously to the treaty of Queretaro. The proceedings were instituted in the District Court of the United States, and testimony was taken in the cause; and from that evidence it appeared that no reservations of the kind had ever been made by the Government of Mexico or California, as the Custom House, for which purpose the reserve was in part made, had been upon the Plaza, and that the Government of the United States, therefore, had no claim whatsoever to the land covered by water, known as the Government Reserve in the City of San Francisco. These facts were reported by me to Mr. Platt, United States Government Agent; and I advised him that under the decision in the case of 3 Howard, U. S. Rep., *Pollard's Lease v. Hagan*, that I was satisfied the State of California owned the Reserves, subject to Palmer, Cook & Co.'s lease. Mr. Platt reported these facts to Mr. Carothers, who was an acquaintance and friend of Gov. Bigler, and through him they were communicated to the latter gentleman; and at the request of these gentlemen, I met at the Banking House of Mr. Carothers, in the early part of 1853, Mr. Platt, Gov. Bigler and Mr. Carothers. I then repeated to Gov. Bigler what I had reported to Mr. Platt, that in my opinion, the title to the Reserves was not in the United States, but in the State of California, subject to Palmer, Cook & Co's lease; and I suggested to them that the proceedings pending in the District Court of the United States might be amended, so as to make the State of California a defendant in the action, and that the State might file a cross bill against Palmer, Cook & Co. and the United States, and then have the whole case go to the Supreme Court of the United States, where the right of the United States and State of California, and Palmer, Cook & Co., would all be settled by one decision. Gov. Bigler seemed very much interested in all the facts that had been stated, and in

a short time afterwards I received a written request from Mr. Platt, to state in writing what I previously had stated, which he said, I believe, he wished to lay before the Governor. I did make a full statement of all the facts and the authorities bearing on them, which document was furnished to the Governor. Within a short time after this, I was again requested to meet these parties at Carothers' Banking House. Mr. Carothers then stated to me that he was about to make an arrangement with the State, to act as its agent, to obtain all the necessary papers from the archives at Washington, and to obtain the written opinions of some eminent lawyers, either in New York or Washington, as to the rights of the State upon the facts which had been presented to them. There were some three or four interviews in regard to the matter, when it was determined by the Governor, that Mr. Carothers should act as the agent of the State; that he should immediately send to Washington for all necessary papers, that he should obtain the opinions of lawyers to be agreed upon, and that he (C.) should pay all the expenses, and to incur all the risks, in obtaining a judicial decision upon the rights of the State to the property. It was finally determined that such a contract should be drawn, and one was drawn by Mr. Platt, for the Governor to sign with Mr. Carothers, embracing the above provisions. At a subsequent evening the parties were at the same place to have the contract signed, and then Governor Bigler stated that he had had a conversation with the Attorney-General, who had advised him that he, the Governor, had no authority to sign such a contract as would bind the State; but that he, the Attorney-General, thought that he had the authority to employ an agent to assist in prosecuting the State's right, and that by virtue of the Revenue Act of 1852, he might allow ten per cent. commission on moneys collected for the benefit of the State, or for property found belonging to the State. The result was, that the original contract was changed, and was made a contract between the Attorney-General and Mr. Carothers. Immediately after this matter was closed, the bill, in District Court of the United States, was amended, the State of California was made a defendant, the papers were served on the Attorney-General and Governor Bigler. The State filed an answer to the bill, and also filed a cross bill against Palmer Cook & Co. and the United States, to which an answer was filed by the United States alone, and the case was then ready for a full hearing and a final decision of the rights of all parties in the Courts of the United States; and by which decision the rights of all parties would have been finally adjudicated upon, when on the 3d of March, 1853, an order was issued by the Hon. A. A. H. Stewart, Secretary of Interior, directing the District Attorney, or the counsel for the Government, to suspend all proceedings in the case.

About this time, I furnished to Gov. Bigler a copy of my brief in the case, and soon afterwards he sent a message to the Legislature, and in addition, I went with him and purchased the authorities referred to in the brief. After the reception of this message, the Legislature passed an Act establishing a Board of State Land Commissioners.

In pursuance of this contract, Mr. Carothers dispatched a special agent to Washington, and obtained there all the papers connected with the Government Reserves, and applied to George Wood and Charles O'Connor, Esqs., of New York, for their opinions upon the facts that had been presented to him in this case. In consequence of illness of Mr. O'Connor, the papers were handed to Mr. Romeyn, and an opinion was delivered by Romeyn and Wood, for which services Mr. Carothers paid the sum of \$7,500, as I understood from persons in New York and from Mr. Carothers. After the Board of Land Commissioners was established, but before the sale of any lands, the opinions of Wood and Romeyn were received and were published at the expense of Carothers; and he continued to make disbursements and pay bills for some time after the Land Board was established.



When the Board was enjoined from selling at the first sale, and were in custody of the Sheriff, Mr. Carothers sent for me to come and act as their Attorney. I was introduced to them by Mr. Carothers; acted as their Attorney; obtained a *habeas corpus* before Judge Wells; and continued to act until the final decision of the two cases by the Supreme Court, in the case of *Cowell v. Hermance et al.*, and *Guy v. Hermance et al.*, by the Supreme Court.

All the services rendered by me as Attorney for the Land Board, I gave under the directions of Mr. Carothers, and after I had ceased to have any connection whatsoever with the case as Counsel for the United States. During the time of the existence of the former Land Board, and after some difficulty had occurred between them and Judge Hastings, acting as Attorney-General, at the suggestion of some one of the Board, Mr. Carothers employed to aid me, as counsel, Judge Reade, then the partner of Colonel Weller, and he aided and assisted me as the Attorney of the Land Board; and all the professional business, counsel and advice for the said original Board was furnished by myself and Judge Reade. I learned from Mr. Carothers that he had arranged to pay Judge Reade by assigning to him a claim against the United States in favor of a Mr. Homer, who built the United States Marine Hospital, for extra work thereon; and that said claim was pending in Washington, and the proceeds when received, were to go to Judge Reade in payment of his services as counsel employed by Carothers under his contract with the State.

All the information obtained by Mr. Carothers, the opinions of Messrs. Wood and Romeyn, and all the documents obtained from Washington, were furnished to the original Land Board soon after its organization, by Mr. Carothers or Judge Reade and myself, under his instructions; and all the professional services rendered by us, or either of us, were furnished on the basis that Carothers had employed us, that he was to pay us, and that we did not and would not look to the State of California as our clients, or the party to whom we were to look for compensation. Mr. Carothers was considered a banker in good credit, and we expected to look to him, and him alone, for our compensation. He employed us, and he alone. Whatever services we rendered, we rendered by his direction, and we intended that he should compensate us.

On the 26th of October, 1853, the Land Board, through their Secretary, called on me for my account for professional services. I refer you to a copy of the letter of their Secretary to me, and my answer, dated October 27th, 1853, as corroborating this statement.

The Board, however, insisted, through a Committee, consisting of Messrs. Hermance, Pickering and (I think) Love, that I should settle with them, or they would dismiss me. I made out a bill, charging \$5,000; and in a conversation with them, they urged me to reduce it as low as possible, giving as a reason that they wished their expenditures to be small, and stating that if I would cut it down, Mr. Carothers could go to the Legislature for compensation; that they would recommend his application, and that he could thus save himself, and pay me what I had earned.

I left the matter to that Committee; they fixed \$3,000 as the amount to be allowed; it was allowed, and paid to me in State scrip, which paid to me about \$2,300.

After this arrangement Mr. Carothers, acting on the suggestion of the Board, presented his claim to the Legislature, through the Senate, and it was referred to a Special Committee, at the head of which was Dr. Keene. Carothers and myself went to the Legislature, and I stated to that Committee, as nearly as possible, just what is contained in this affidavit, exhibiting all the papers connected therewith. After some time elapsed, I learned from Carothers that he had been advised to withdraw his claim for compensation, because the matter was opposed by Governor Bigler's friends, and also by Dr. Hermance and the Land Board.

It was, therefore, withdrawn from the action of the Legislature; and I then



advised Mr. Carothers that his only chance of getting any return for moneys expended by him, or any compensation for his labor and services, was to attend some future sales of the property of the State, to buy in the same, pay the ten per cent. down, and let the State sue him for the balance, and then come in with his account as a set-off; and that, under the decisions of the Supreme Court of the United States, he had a just and equitable claim against the State, which he could thus enforce against the State. That although he could not sue the State, yet that when the State sued him, then he could use his account against the State as an equitable set-off.

Accordingly, at the next sale, Mr. Carothers, by his agents or himself, attended the sale, purchased the lots described in Exhibit A, hereto appended, and afterwards addressed that letter to the then Treasurer of the State of California, and his request therein contained being refused, on the 27th of April, 1854, I prepared, or caused to be prepared, the following Bill in Equity, marked Exhibit B, and also made part and parcel of this, my affidavit, and moved for an injunction to restrain the re-sale of said lots. The authority relied on is upon the back of the Bill.

I learned, either by direct or indirect information, that the Court would refuse the injunction, because the State of California was, in fact, sued, which could not be, and accordingly the Bill was withdrawn, and the matter suffered to remain until such time as Carothers was sued by the State.

During the session of 1853-'4, I think, the Practice Act was so amended as to authorize any party in interest to interplead and make himself defendant or a party to the suit. During these proceedings Mr. Carothers had failed in business and that failure, in no small degree, in my opinion, was in consequence of expenses incurred and made in carrying out a written contract with the Executive officers of the State of California. Some time in the fall of 1854, a suit was finally brought by the Attorney-General *v.* Wm. A. Talmage, to recover the difference on some lots bid in by him at a prior sale, on which he paid ten per cent. for Mr. Carothers, as his agent, and refusing to pay the balance, they were resold.

So soon as the suit was commenced, Mr. Carothers called on me, desiring me now to interplead his claim, and stating to me that he had sold his interest therein to a Dr. Coryell, (whom I had then never seen,) that in consequence of his own failure, he could not do anything towards its management; and that he had been living on his son-in-law, in actual poverty, since his bankruptcy. Mr. Coryell came to the office from that time frequently. I drew the answer of interpleader on file in the Superior Court, to which the Attorney-General filed his reply; and on the written consent of the Attorneys of both parties, by their Attorneys, it was, by order of the then Superior Court Judge, referred to Louis R. Lull, as Referee.

The evidence being all, or nearly all, documentary, was furnished to Mr. Lull, who had repeated sittings in the cause, at all of which the then Attorney-General was present, either in person or by his deputy; and after many months' delay, and a written argument by the Attorney-General and this deponent, on the 30th of May, 1854, the Report of the Referee was taken and filed. From the time of the assignment by Carothers to Dr. Coryell, all the instructions to deponent were given by the Doctor, but Mr. Carothers having failed and deponent being his Attorney, he was constantly in his office. When the report was filed, as Mr. Carothers owed large debts which he was trying to arrange, and as the judgment was in his favor, he desired that it should not go into the newspapers, lest it might be attached and he put to trouble. In the management of the cause from beginning to end, it was conducted openly and fairly; and the Attorney-General, or his deputy, always attended on behalf of the State. And deponent believes, that under the decisions of the Supreme Court of the United States, that the

contract made was binding in equity, and that the report of the Referee would be sustained under their repeated decisions.

And this deponent saith, that since the 31st of May, he has had no connection whatsoever with said judgment or its owner, until about the 1st of December, 1855; and that from the 16th day of June down to the 29th October last, he was out of the State; that as to the State sale, he knows nothing except by hearsay; that he has no interest, direct or indirect, in any lands bought, or benefits received by any person at that sale; that he never counseled, advised, or was in any manner privy thereto. And this deponent further saith, that for all the services rendered to said Carothers, or said Coryell, or in the private matters of said Carothers, he has never received one solitary cent; that when Carothers left the State, he owed this deponent and partners three hundred and nineteen dollars, for costs advanced in his business, to clerks and sheriffs, and that, by reason of said judgment, or the Carothers' claim, he has never received, either from the State of California, nor any person whatsoever, one single dime, (save the \$3,000 State scrip,) that he is not, directly or indirectly, by implication or otherwise, interested in any lands purchased at State sale, (except that two lots of his own were sold for about forty dollars each, and the parties purchasing demanded five hundred dollars for a quitclaim;) and that Mr. Carothers now owes to deponent for his entire services in these whole matters, unless he shall realize from said judgment.

And the deponent saith, that after the said judgment was rendered in May, and about the 16th of June, 1855, before leaving the State, he had an interview with Mr. Carothers, and required him to settle for his services, and that after repeated interviews, Mr. Carothers arranged with deponent to give him a bond to pay deponent \$7,500 out of the judgment, whenever it should be allowed by the State on debts due to it from the sale of lands or otherwise; that in the month of November, and after the said sale, the said Carothers and Coryell called on deponent, and after much urgency and requests on their part, he gave up said bond and took an assignment, now on file, of a part of said judgment; and that, save this said assignment, he, this deponent, has never, in any form or shape, received the least benefit, pecuniary or otherwise, for all the services rendered by him to said Carothers, during two or three years, and for all services rendered in the matters of the State.

GEORGE C. BATES.

Sworn and subscribed this 25th day of February, 1856.

JAMES W. COFFROTH,  
Of the Committee.

#### EXHIBIT A.

SAN FRANCISCO, April 24, 1856.

*To the Treasurer of the State of California:*

SIR:—The following lots having been purchased by my agents, and for my use, at the two last Commissioners' Sales, and the ten per cent. paid at the time, I now propose paying the balance, or remaining installments, which are due and to become due, and herewith hand you my account against the State, for services and money expended, on behalf of the State, in the investigation of the Government Reservation, as per direction of the Governor and Attorney-General, and request that you will apply so much of it as may be necessary to pay those remaining installments, viz:

Lot No. 44.....	\$1,125 00	
" 45.....	1,050 00	
" 46.....	900 00	
" 33.....	1,550 00	
" 34.....	1,550 00	
" 35.....	1,700 00	
" 15.....	3,400 00	
" 16.....	5,500 00	
" 17.....	3,900 00	
" 18.....	2,750 00	
" 8.....	1,500 00	
	<hr/>	
	\$25,025 00	
Less 10 per cent. paid.....	2,502 50	
	<hr/>	\$22,522 50
Lot No. 22.....	\$4,000 00	
" 23.....	2,500 00	
	<hr/>	
	\$6,500 00	
On which has been paid.....	1,000 00	
	<hr/>	5,500 00
Total.....		<hr/> \$28,022 50

[For Exhibit B, reference is made to the original (B) appended to the affidavit presented to the Honorable Committee of the Senate.]

(Signed,)

J. CAROTHERS.

### EXHIBIT B.

#### BILL OF COMPLAINT.

*Superior Court, San Francisco County, ss.*

JESSE CAROTHERS, Complainant,

*v.*

LEVI HERMANCE, JOHN S. LOVE, JOSEPH HOPKINS, *et al.*

State Land Commissioners, Defendants.

The complaint of Jesse Carothers against the above-named defendants, respectfully states and shows unto this court, that heretofore, to wit: on the twenty-eighth day of December, A. D. one thousand eight hundred and fifty-three, the said defendants, as Commissioners of the State of California, pursuant to the provisions of the Act of the Legislature of the State of California, approved the eighteenth day of May, A. D. one thousand eight hundred and fifty-three, sold all the right, title and interest of the State of California in and to the following hereinafter described pieces or parcels of land, lying and being within the limits of the City of San Francisco, and which said lots are all described in a map of the said premises hereto appended and made part and parcel of this the complainant's bill of complaint, and that on said sale so made of the interest of the State in said lands, there was duly paid to the State of California ten per cent. of the purchase money of the said lots, leaving the remaining portion of the said purchase money, ninety per cent. due and unpaid, a lien thereon.



And the complainant further states and shows unto the court, that on said sale, and after the payment of the first installment of purchase money on said lots, the said defendants executed and delivered to the several purchasers thereof, bonds or instruments of conveyance, conditioned that on the payments of the remaining installments due to the said State of California, the purchasers of said lots or their assigns, would be entitled to and would receive from the said defendants, deeds of conveyance of all the right, title and interest of the said State in and to said lots.

And your complainant further states, that he has become and now is the *bona fide* owner and purchaser of the said several lots so sold by the said defendants, and that he now holds and is ready to produce and prove, as this Honorable Court shall direct, the said bonds or instruments of conveyance made by the said defendants, of the said several lots which have been duly assigned and transferred to him, this complainant, and that he is the lawful and equitable owner of the said several lots which are known and described as follows, viz :

Lot No. 44, in block between Jackson, Washington, Front and Davis Streets.

" 45, in block bounded by same.

" 46, " "

" 33, " "

" 34, " "

" 35, " "

" 15, " "

" 16, " "

" 17, " "

" 18, " "

" 8, " "

Lot No. 22, in block bounded between Jackson and Washington, on Drumm Street.

Lot No. 23, bounded by same.

Lot No. 1, in block between Jackson and Washington, and Drumm and Front Streets.

Lot No. 39, in block between Davis and Front, and Jackson and Washington Streets.

Lot No. 38, in same block.

And the complainant further states : That there remains unpaid of the purchase money of the said several lots, and as an equitable lien or mortgage thereon, the aggregate sum of \$32,872 50, as by reference to the said several bonds or certificates of sale will more fully appear.

And the complainant further states : That the said defendants are about to proceed to enforce the payment of the said equitable mortgage on the said premises for the remaining portion of the purchase-money due thereon, by a re-sale of the said premises, or by some other means, and to compel the payment thereof.

And your complainant further states unto the court, that he, as Agent of the State of California, was duly employed and authorized by the authorities thereof in the year 1853, and rendered, by direction of the Executive of the State, services, time and labor, and expending large sums of money at the request of the officers of the State of California, and for the use and benefit of the said State of California, in obtaining evidence of the opinions of eminent lawyers out of the State, upon the legal rights of the State to the Water Property embracing the above described property. That said work and labor, and expenditure of money by the complainant at the special instance and request of the said officers of the State of California, enabled them to realize a large amount of money ; and that the defendants availed themselves, at and before the sale of the said premises, of such work and labor of the complainant, and the expenditure of his money, at the



request and by order of the State of California, to enhance the value of the property so sold by them, including the above entitled lots; and that the State of California has actually received from the labor, services and moneys so expended by the complainant for the State, at the request of her officers, several hundreds of thousands of dollars, as he believes, from the enhanced value of said premises, and the value of these identical lots, now owned by your orator, were greatly enhanced at the said sale thereby.

And this complainant further states and shows unto the court: That there is now due to him for such services, work and labor rendered by him to the said State, at the request of the lawful authorities thereof, and for money paid, laid out and expended by him for the use and benefit of the State, in obtaining evidence and legal opinions as to the titles of said land, justly and equitably, the sum of \$50,-634 92, as he is ready to verify and prove, as this court shall direct; and that the said work and labor and money paid by him, actually greatly enhanced the value of the above property, and the identical property above described.

And your orator further states and shows unto the court: That the said sum of money so due from the said State of California to your orator, is in equity and in law a set-off to the balance of the purchase-money, so due on the said several lots so owned by your orator, this complainant; and is an equitable payment of the said balance of the purchase-money so due on said lots, which in equity constitutes an equitable lien and mortgage thereon, the payment of which said balance the said defendants are about to enforce by a sale of said lots, or in some other manner prescribed by law, without first canceling said sale, and refunding the purchase-money so paid. And this complainant further states, that he has presented his said account for such work and labor, and services, to the Treasurer of the State, as a payment or set-off to the balance so due, as the purchase money of said lots, and has requested him to allow the same as a payment of such balance, which he has refused.

And the said complainant further states, that he has also presented the said account due to him to the said defendants, Commissioners, as evidence of the payment of the balance due on said several lots, and has demanded from them conveyances to him of the said several lots above described, which reasonable and equitable request, these said defendants have also refused.

And this complainant avers, that in equity and good conscience, the said balance, so due as purchase money of said lots, has been paid, and that the said sum of money so due to your orator, is a just and equitable set-off to the balance and lien on the lots aforesaid for the purchase money thereof, and that in law he is entitled to a conveyance and deeds thereof from the said defendants, the same having been, in fact, duly and equitably paid, as aforesaid.

Wherefore, the complainant prays, that by the decree and order of this Honorable Court, the said account for work and labor for the State, and for money expended by him at the special request and instance of the State of California for its benefit, may, when proved, be declared to be a set-off to the balance so due as the purchase-money of said lots, and that the said defendants may, by a decree of this Honorable Court, be ordered to execute and deliver to this complainant good and sufficient deeds in law of the said several lots above described; and that the said defendants may, in the meantime, be enjoined from foreclosing, or in any manner whatsoever enforcing the said lien on the said lands for the purchase money thereof, and that this complainant may have such other and further relief in the premises as is consistent with equity and good conscience, and this complainant will ever pray, etc.

E. A. LAWRENCE,  
Solicitor for Complainant.

## STATE OF CALIFORNIA, County of San Francisco, ss :

Jesse Carothers, being duly sworn deposes and says, that he has read the foregoing bill of complaint, that he is the complainant therein, and that the same is true of his own knowledge and belief, except as to such matters which are therein stated on his information and belief, and as to these matters he believes it to be true.

JESSE CAROTHERS.

Subscribed and sworn to before me this 27th day of April, 1854.

JAS. B. MORRISON.

THOMAS HAYES, Clerk.

By OTMAR CALER, Deputy Clerk.

*Affidavit of Wm. M. Stewart.*

IN THE SUPERIOR COURT of the City of San Francisco :

In the matter of the intervention of Jesse Carothers, in the case of The People v. Talmage, I would most respectfully submit the following statement unto this Honorable Court :

About the first of June, 1854, I was appointed acting Attorney-General, and located myself temporarily in the City of San Francisco. A short time thereafter, Jesse Carothers called on me with a contract made by Ex-Attorney-General Hastings on the part of the State, and himself, wherein he undertook to perform certain services for the State in the capacity of an agent, and for which he was to receive ten per cent. of all property recovered by him for the State, together with receipts of moneys purporting to have been disbursed in pursuance of said contract. I told him I didn't know anything that I could do for him ; that he must go to the Legislature if he wanted relief ; sometime during the summer, Carothers failed in business. He came again to me, and represented that one cause of his failure was the moneys he had advanced for the State. He said Gov. Bigler knew all about it, and I told him that I would mention the matter to the Governor ; and when I saw the Governor again I told him that I thought Carothers had a just claim for something, but I did not know for what amount, and the Governor seemed to concur in my views. At this time I had only heard Carothers' statement of the affair, and he represented that the Board of California Land Commissioners had availed themselves of legal opinions and other documents procured by him. About this time I met Ex-Attorney-General Hastings, and he told me that he wished I would sue Carothers, as he (Carothers,) was indebted to the State, and the State owed Carothers, and he wanted to make a set-off. I told him I had been in San Francisco but a short time, and was not fully informed as to the State sales and the matters connected with the Board of Land Commissioners, and that I only commenced such suits as they ordered. I continued to attend to the business of the Board from June until the return of Mr. McConnell, the then Attorney-General about November, 1854. During this time, by the direction of Dr. Hermance, the President of the Board, I employed some assistance in several of the important cases, but for which the Board nor the State has ever paid one cent. After the return of Mr. McConnell, the Board brought me several cases on which to bring suit for certain deficiencies between the original sales and re-sales for want of payment. Among these was the Talmage case. I prepared complaints in all the cases, some for one count and some for another, in order to get the opinions of the different judges upon nearly the same questions. Not long after this, a bill of intervention was served upon the counsel for the State, which set up the fact that Jesse Carothers was the purchaser of a portion of the lots set out in the complaint against Talmage. And also setting up his claim against the

State before-mentioned. In a few days after this, I was in the Superior Court room one morning, and Mr. Bates, I think, called up the case and suggested a reference. I stated that such a course would suit the convenience of the counsel for the State, inasmuch as we had just experienced almost insurmountable difficulties in the case of the *People v. White*, before the Fourth District Court in procuring at any one time sufficient evidence to establish a compliance on the part of the State with all the requirements of the Act under which the Board was organized. The court then made the reference of the matter to Louis R. Lull, a gentleman then unknown to me. And to this both Bates and myself agreed. He notified us of the time and place he would hear the case, and both parties appeared before him. In support of the intervention, several witnesses were called to show that Carothers was the real purchaser of the lots claimed by him, and that Talmage was only acting as his agent in the matter; and then they offered to prove a contract between Carothers and the State, made by Ex-Attorney-General Hastings, under the direction of Governor Bigler. I objected to the introduction of any evidence, on the ground that none of the State officers had any power or authority to make such a contract. It was afterwards agreed that all the evidence might go before the Referee under an exception. After the evidence was all submitted, I presented my points in writing, which are now on file in this court, and to which I would call particular attention, as the views that I then entertained are therein stated.

The Referee then took the matter under advisement, and did not report for several months. I inquired several times the cause of the delay, and finally it was suggested that the time in which the Referee was allowed by law to report had expired. I told them that I was willing to sign a stipulation, waiving all errors on account of such delay, and allow the Referee to report; that much time had been occupied in obtaining the evidence, and it was but justice to all parties that the report should become a matter of record, so that if the parties wished to apply to the Legislature for relief, they would have all the evidence prepared. Soon after this conversation, a stipulation, drawn up by Mr. Bates, was presented to me to be signed by Dr. Coryell. Supposing it was only a stipulation, allowing the report to be filed, waiving mere matters of form, occasioned by the delay, I signed it, not observing the last part of it, which allows judgment to be entered.

The following is a copy of the stipulation:

“SUPERIOR COURT OF SAN FRANCISCO.

JESSE CAROTHERS, Impleaded, Etc., }  
   v. }  
 THE STATE OF CALIFORNIA, Inf. }

*San Francisco County, ss:*

It is hereby stipulated and agreed, that the Referee may file his Report in this case, and that all objections as to the time of making said Report, and all objections of form, shall be and the same are hereby waived, and that judgment may be entered thereon.

GEORGE C. BATES,

Attorney for Interpleader.

WM. M. STEWART,

Of Counsel for Plaintiff.

May 30, 1855.”

I doubt very seriously whether the foregoing stipulation authorizes a judgment to be rendered without the consent of the court. It does not appear to me as an



uncommon or unnatural use of language to say, that the stipulation waives objection, as to time and form, and authorizes the Referee to report in order that the court may pass judgment thereon, as it might have done had the Report been made within the time fixed by law.

I do not pretend to say that the parties presenting the stipulation intended any advantage in the matter, or in any way to mislead me, for the stipulation is drawn in pursuance of the order of the court appointing Mr. Lull Referee, to report the facts and a judgment; yet if I had observed the clause in question I most certainly should not have signed the stipulation.

Here the matter ended with me. I supposed that the Referee had reported all the facts and his opinion in favor of a judgment, and whenever the parties wanted a judgment they would move to confirm the report. But I regret that on an examination of the report, which I never saw before to-day, to find that the Referee has not reported but a small portion of the evidence, and his own conclusions form the balance. A portion of the documentary evidence was left at Mr. Bates' office, to which, together with the points of the respective counsel, which I have this day procured and placed on file in the Clerk's office of this court. If I had been fully informed as to the precise condition of this case I should not have supposed that the State would be in any way improved thereby, for I regarded my judgment against the State as simply a nullity, unless the Legislature should see fit to make an appropriation for that purpose; and they might do the same if it was only a claim supported by any evidence that would satisfy them of its equity. Notwithstanding, if I had not acted under the mistake above-mentioned, I should have appealed the case to the Supreme Court. The reason why Mr. McConnell dismissed the action as to Talmage, as I understood, was, that the old Board had been abolished, and before they went out of office they notified us that they would not aid further in the prosecution of the State suits and that we had better wait until the new Board was organized. We could not obtain testimony without the co-operation of the Board, and it became necessary to dismiss to prevent a default against the State, or at least the Attorney-General so regarded it; and besides, there were several other cases pending which would test the questions in the Talmage case. After the signing of the stipulation above referred to, I spent much of my time out of the City of San Francisco, in Alameda County and at Nevada, until about the last of August, when I attended to two or three State cases at the request of Mr. Cohen, the Agent of the Board, but paid no further attention to the Carothers' matter.

In September last I went to Nevada, where I have since resided. I know nothing whatever of the transactions in reference to the Carothers' judgment, subsequent to the signing the stipulation above-mentioned. I served the Board as faithfully as I could for about a year and a half, whenever I was called on, which was quite frequently, and for which I have never received one dollar. The Board denied their authority to pay me, because they said there was no especial appropriation for that purpose, although they had paid two other Attorneys before me. I did not press the matter upon them, because I did not wish them to construe the law liberally on my account.

I would further state, that I did not hear of the payment of this claim by the Land Commissioners until I saw a statement of it in the newspapers. I should have come down immediately, if it had not been for sickness in my family, which detained me.

Hoping that the foregoing statement may be filed as a paper in the case, I remain with high respect,

WM. M. STEWART.

San Francisco, February 28th, 1856.

Subscribed and sworn to before me, February 29th, 1856.

WM. R. SATTERLEE.



Mr. Shaw moved to print five hundred and eighty copies of the report, together with the testimony accompanying the same, except the records of the Superior Court of the City of San Francisco.

Mr. Coffroth moved to print two thousand copies of the report.

Mr. Ashley called for a division of the question.

Carried.

The question being on striking out the words "four hundred and eighty," the ayes and noes were demanded by Messrs. Coffroth, Rust and Ferguson, with the following result:

AYES.

Messrs. Bynum, Coffroth, Ferguson, Hawthorne, Mandeville and Rust—6.

NOES.

Messrs. Ashley, Burnett, Burton, Cosby, Crandall, Day, Dosh, Fiske, Flint, French, Gove, Hawks, Heintzelman, Hook, McCallum, McCoun, McGee, McNeill, Norman, Scellen, Shaw, Tilford and Waite—23.

So the Senate refused to strike out. •

The motion of Mr. Shaw to print four hundred and eighty copies was then adopted.

On motion of Mr. Coffroth the Senate adjourned.

---

IN SENATE.

FRIDAY, March 28, 1856.

Senate met pursuant to adjournment.

Mr. Ashley, President *pro tem.* in the chair.

Prayer by the Rev. Mr. Pratt.

Journal of yesterday read and approved.

Mr. Burton presented the following report:

*Mr. President :*

Your Committee on Enrollment have examined and found correctly enrolled, the following Bills:

An Act to establish Pilots and Pilot Regulations for the Port and Harbor of Benicia and Mare Island; and,

An Act to Fund the Debt of Sierra County and to provide for the Payment of the same.

E. F. BURTON.

Mr. Hawthorne presented the following report:

*Mr. President :*

The Committee on Claims have had under consideration the accounts of Drs. H. & W. P. Gibbons, for taking care of, and providing for, the Indigent Sick of the State, for the month of May, 1855. The Committee find that the Chairmen of the Committees of the Senate and Assembly of 1855, were authorized, by resolution, to make a contract for this purpose, and that, in accordance with said resolution, they made and entered into an agreement with Drs. Gibbons, who agreed, for the sum of \$5,000, to take charge of all the patients then on hand, numbering in all two hundred and seven—seventy-eight of whom were State patients, and for which the State is justly chargeable. Your Committee report back a Bill for said purpose, and respectfully recommend its passage.

HAWTHORNE.

The Bill was read a first and second times and placed on the Calendar.

Mr. Hawthorne returned to the Senate a Bill for the relief of Selim E. Woodworth.

Read a second time and placed on the Calendar.

Mr. Hawthorne presented the following report:

*Mr. President :*

Your Committee on Claims have had under consideration the claim of Francis Hardy for the arrest of Fritz West, an escaped State Prison Convict, report the Bill back with an amendment, and recommend its passage.

HAWTHORNE.

The Bill was read a first and second times and placed on the Calendar.

Mr. Hawthorne presented the following report:

*Mr. President :*

The Committee on Claims have had under consideration the Bill for the relief of Robert G. Crozier. Your Committee find that the law required State Prisoners to be kept in the County Jails previous to the erection of a State Prison, and not being aware of any provision being made for the payment of the same, believe this to be a just claim against the State, and would respectfully recommend the passage of said Bill.

HAWTHORNE.

The Bill was read a first and second times and placed on the Calendar.

Mr. Mandeville made a verbal report, and returned to the Senate An Act for the relief of Samuel J. Frisbie.

Placed on the Calendar.

Mr. Hook returned certain papers to the Senate relating to Roads and Highways.

The following message was received from his Excellency, the Governor :

EXECUTIVE DEPARTMENT, }  
Sacramento City, March 26, 1856. }

*To the Senate of California :*

I have this day approved An Act for the Protection of Actual Settlers, and to quiet Land Titles in this State.

J. NEELY JOHNSON.

The following communication was received from the Sergeant-at-Arms :

OFFICE SERGEANT-AT-ARMS, }  
Senate, March 28th, 1856. }

*To the Hon. the President of the Senate :*

In answer to the Resolution of the Senate, passed on the 27th inst., instructing the Sergeant-at-Arms to inquire into the delay of the printing of the Reports of the State Geologist and Surveyor-General, I have to report that I am informed by the State Printer that said Reports are printed, and will be ready for delivery by to-morrow at 12 o'clock.

Respectfully,

JOHN W. ROSS,  
Sergeant-at-Arms Senate.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
March 27th, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed the following Bills :

Bill No. 251, An Act to legalize and confirm the Election of certain Officers ; also,

Bill No. 250, An Act for the relief of Cyrus Rowe and his Sureties ; also,

Bill No. 262, An Act to fix the Time of holding the District Courts in the Third Judicial District ; also,

Bill No. 200, An Act to provide for the payment of the Debt of the County of Santa Barbara ; also,

Bill No. 57, An Act to enforce the Collection of Road Taxes in the County of Tuolumne ; and,

Bill No. 120, An Act for the relief of Horace J. Wheeler.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Bill No. 251 was read a first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 250 was read a first and second times, and referred to the Committee on Claims.

Assembly Bill No. 262 was read a first and second times and referred to Senator Day.

Assembly Bill No. 200 was read a first and second times, and referred to Senator De la Guerra.

Assembly Bill No. 57 was read a first and second times, and referred to the Tuolumne Delegation.

Assembly Bill No. 120 was read a first and second times and referred to Committee on Claims.

The following Message was received from the Assembly :

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed the following Bills :

Bill No. 223, An Act for the relief of the Heirs of Estates in which Funds were Lost through a Robbery committed in June last upon Thomas C. Brunton, at that time Public Administrator of Tuolumne County ; also,

Substitute for Bill No. 151, An Act to regulate the Fire Department of the City of San Francisco ; also,

Bill No. 268, An Act for the relief of Olive Oatman ; and,

Substitute for Bill No. 168, An Act to submit the question of the Removal of the County Seat of El Dorado County to the qualified voters thereof.

Respectfully Submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Bill No. 223 was read a first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 168 was read a first and second times, and referred to the El Dorado Delegation.

Assembly Bill No. 268 was read a first and second times and placed on the table.

Assembly Bill No. 151 was read a first and second times and referred to the San Francisco Delegation.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
March 27th, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly, on yesterday, passed—  
Senate Bill No. 99, entitled An Act to increase the number of Fire Companies



in the City of Marysville; also, on same day, refused to concur in the amendment made by the Senate to—

Assembly Bill No. 90, entitled An Act to submit the question of the Removal and Location of the County Seat of Amador County, to the choice of the voters of the county,—and request the Senate to appoint a Committee of Conference relative to the proposed amendments to the Bill.

Respectfully Submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Mr. McCoun moved that the Senate accede to the message of the Assembly returning to the Senate Assembly Bill No. 90, with Senate amendments disagreed to by Assembly, and that a Committee of Free Conference, of four Senators, be appointed, to confer with a like committee to be appointed on the part of the Assembly, to consider said Bill and amendments, and to make a joint report thereon.

Lost.

The Senate refused to recede from its amendments to Assembly Bill No. 90, and the Bill was returned to the Assembly.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
March 28th, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed :

Senate Bill No. 43, entitled An Act to amend an Act entitled "An Act to regulate Fees of Office," approved April 10, 1855, with an amendment as therein shown; also,

Assembly Bill No. 277, An Act to provide for the support of the indigent sick in Yuba County.

Assembly Bill No. 93, An Act to amend an Act entitled "An Act to provide revenue for the support of the Government of this State," passed May 15, 1854, and to amend the several Acts amendatory thereto; also

Assembly Bill No. 263, An Act making an appropriation to defray the expenses of the State Prison from the first day of January, 1856, and to pay the salaries of the State Prison Directors; and

Senate Bill No. 26, An Act amendatory of an Act entitled "An Act to provide for the Incorporation of Wagon Road Companies," passed April 25, 1853.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Bill No. 93, was read a first and second times and referred to the Committee on Finance.

Assembly Bill No. 277, was read a first and second times and referred to the Yuba Delegation.

Assembly Bill No. 263 was read a first and second times and referred to the Committee on Finance; and

Concurred in Assembly amendment to Senate Bill No. 43.

The following communication was received from the Board of State Prison Commissioners.

*To the Honorable the Senate of the State of California, now in session :*

The undersigned Commissioners created by law to lease the State Prison grounds and property, etc., in answer to the following communication :

“SENATE CHAMBER, }  
March 27th, 1856. }

*To the Board of Commissioners of State Prison :*

GENTLEMEN :—I am directed to inform you, that this day the Senate adopted the following resolution :

*Resolved*, That the Board of Commissioners created by law to lease the State Prison grounds and property, be and they are hereby requested, to immediately inform the Senate whether they have yet agreed upon any contract for the leasing of the same, and if so, the terms upon which such contract has been concluded.

I am, very respectfully, your ob't servant,

W. BAUSEMAN,  
Secretary of Senate.”

Beg leave to report :

That they have signed a contract leasing the State Prison grounds, property and convict labor, etc., to James M. Estell, a copy of which contract is herewith submitted.

We would have much preferred delaying making any report on the subject until we had fully discharged our duties in that respect, when it was our intention to have reported fully to the Legislature our proceedings in the premises.

The duties assigned us were not of our own seeking and are of a very onerous character, and we think as a matter of justice to ourselves that no publication of our proceedings should be made public until such time as all the facts can be presented.

Previous to receiving your communication we had made arrangements to go down to the Prison by the three o'clock boat of to-day, for the purpose of making an inventory of the property of the State connected with the Prison, and of approving the bond of the Lessee and delivering the Prison and all connected therewith over to him.

All of which is respectfully submitted,

B. M. ANDERSON,  
G. W. WHITMAN,  
H. BATES.

Mr. Shaw moved that the documents be referred to the Committee on Claims.

Mr. Flint moved that they be referred to the State Prison Committee.

Lost.

Mr. Heintzleman moved to lay them on the table.

Lost.

The question recurring on the motion of Mr. Shaw they were referred to the Committee on Claims.

Mr. Heintzleman introduced the following resolution which was adopted :

*Resolved*, By the Senate, the Assembly concurring, that our Senators in Congress is hereby instructed and our Representatives requested, to use their exertions to obtain from the Government of the United States an appropriation of \$200,675 88, the surplus of our war indebtedness, over and above the amount heretofore appropriated by Congress for that purpose, to be applied towards the liquidation of the balance of the War Debt of this State, incurred in the suppression of Indian hostilities within our borders.

*Resolved*, That his Excellency, the Governor, be and he is hereby required to transmit a copy of this Resolution to our Senator and Representatives in Congress, at an early day.

Mr. Rust offered the following resolution :

*Resolved*, That when the Senate adjourn it do so to meet again at 7 o'clock P. M.

On motion of Mr. Burton, the resolution was lain on the table.

Mr. Gove offered the following resolution, which was lost :

*Resolved*, That the State Printer be ordered to print 1000 copies of An Act for the protection of Actual Settlers and to quiet Land Titles in this State, for the use of the Senate.

Mr. Tilford offered the following resolution, which was adopted :

*Resolved*, That the Secretary is hereby directed to put into the hands of the Printer, the original depositions accompanying the Report of the State Land Committees, ordered by the Senate to be published, taking the receipt of the Printer for the same.

Mr. Ferguson offered the following resolution :

*Resolved*, That the Sergeant-at-Arms of the Senate be authorized to appoint a Second Assistant to act as Watchman of the Senate Chamber, said appointment to take effect from the 13th of February, the per diem to be fixed at the rate of eight dollars.

Mr. French moved that the resolution be indefinitely postponed.

Hr. Heintzleman demanded the previous question, which was sustained.

The question being, "Shall the main question be now put?" it was agreed to.

The question recurring on the indefinite postponement of the resolution, the ayes and noes were demanded by Messrs. French, McNeill and Gove, with the following result :

## AYES.

Messrs. Ashley, Burton, Flint, French, Hook, McNeill, Shaw and Waite—8.

## NOES.

Messrs. Burnett, Bynum, Coffroth, Crandall, Day, Dosh, Ferguson, Fiske, Gove, Hawthorne, Heintzelman, Lippincott, McCallum, McCoun, Norman and Rust—16.

So the motion was lost.

The main question being on the passage of the resolution, the ayes and noes were demanded by Messrs. French, McNeill and Waite, with the following result :

## AYES.

Messrs. Burnett, Bynum, Coffroth, Cosby, Crandall, Day, Dosh, Ferguson, Fiske, Gove, Hawthorne, Heintzelman, Lippincott, Mandeville, McCallum, McCoun, McGee, Norman and Rust—19.

## NOES.

Messrs. Ashley, Burton, Flint, French, Hook, McNeill, Shaw, Tilford and Waite—9.

So the resolution passed.

On Motion of Mr. Mandeville the vote just taken was reconsidered.

Mr. McCallum moved to add to the resolution eight dollars as the per diem to be allowed the Assistant-Sergeant-at-Arms, which was adopted.

As amended the resolution was adopted.

Mr. Cosby presented the following report :

*Mr. President :*

The majority of the Committee on Mines and Mining interests, to whom was referred Senate Bill No. 142, entitled An Act to Exempt Mining Claims and Implements from Forced Sale in certain cases, have had the same under consideration, and beg leave to make the following report :

Although believing as we do, that without a special law exempting mining claims from forced sale, they are not liable to sale under execution, and mining implements only subject to sale under execution for their purchase money ; but as the contrary is held in many portions of this State, and parties would be driven to great costs to appeal to the Supreme Court to settle the question, and believing that justice requires that the same protection should be given to the miner as is now given to farmers, merchants, mechanics and others, we would report the same back and recommend its passage.

J. D. COSBY.

On motion the Bill was made the special order for to-morrow at 12 M.



Mr. Burton presented the following report :

*Mr. President :*

Your Committee on Enrollment have examined and find correctly enrolled, An Act entitled An Act to Increase the number of Fire Companies in the City of Marysville.

E. F. BURTON.

On motion of Mr. French the Senate took under consideration Senate Bill No. 106, An Act to Fund the Indebtedness of the State now existing in the form of Controller's Warrants, drawn on the General Fund, or that may be outstanding on the 1st January, 1857, or warrants issued after 1st January, 1857, for indebtedness accruing prior to 1st January, 1857.

On motion of Mr. Tilford there was a call of the Senate and the following Senators found absent without leave :

Messrs. Burnett, Cosby, Crandall, De la Guerra, Dosh, Ferguson, Fiske, Hawks, Lippincott, Mandeville, Rust and Scellen.

Several Senators appearing at the bar Mr. Burton moved that further proceedings under the call be dispensed with.

Agreed to.

The Bill was then considered in Committee of the Whole, amended and reported back to the Senate.

On motion, the amendments made in Committee of the Whole, were concurred in.

Mr. Shaw moved to amend by inserting in 5th section after the word "aforesaid" the words "warrants or."

Agreed to.

Mr. McCallum moved to amend the 13th section by striking out all after the words "provisions of this Act."

Agreed to.

Mr. Waite offered the following amendment : after word "bonds" in the fourth line, Sec. 1, by inserting the words "not to exceed the sum of one million two hundred thousand dollars."

Upon which the ayes and noes were demanded by Messrs. Flint, Waite and Mandeville, with the following result :

AYES.

Messrs. Ashley, Burton, Bynum, Cosby, Crandall, Fiske, Flint, Hawks, Mandeville, McCallum, McCoun, McGee, Scellen and Waite—14.

## NOES.

Messrs. Burnett, Coffroth, Day, Dosh, French, Gove, Hawthorne, Heintzelman, Hook, McNeill and Norman—11.

So the amendment was agreed to.

On motion of Mr. Mandeville the bill was ordered to be engrossed for a third reading.

On motion the Senate adjourned.

---

IN SENATE.

SATURDAY, March 29, 1856.

Senate met pursuant to adjournment.

Mr. Ashley, President *pro tem.* in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of yesterday read and approved.

Mr. Burton presented the following report :

*Mr. President :*

Your Committee on Enrollment presented this day to the Governor, the following Bills :

An Act to establish Pilots and Pilot Regulations for the Ports and Harbor of Benicia and Mare Island ; also,

An Act to fund the Debt of Sierra County and to provide for the payment of the same ; and,

An Act to increase the number of Fire Companies in the City of Marysville.

E. F. BURTON.

Mr. Fiske presented the following report :

*Mr. President :*

The undersigned, Joint Hospital Committee of Senate and Assembly, to whom was assigned the duty of visiting and examining the condition of the State Insane Asylum at Stockton, would respectfully beg leave to submit the following report:

In accordance with the mandate of the joint resolution of your Honorable Bodies, we visited Stockton, and immediately entered upon the discharge of our duties. The Hospital Building is delightfully situated, about one and a half miles from the business portion of the city, upon lands deeded for that purpose to the State by C. M. Webber, Esq., the Pioneer of the San Joaquin. The lands embrace an area of about one hundred and ten acres, and are well located and adapted to the purposes of the institution. The main tract is one hundred acres in extent, inclosed by a neat paling fence, and beautifully studded with natural forest trees, presenting a pleasing prospect to the eye, constituting likewise a secluded spot where diseased mind, retired from the vexatious and troublesome scenes of active life, can find refreshment and repose.

The main structure is a noble building—an honor to our young and growing State—situated on the northern boundaries of the city, and overlooking the beautiful Valley of the San Joaquin. Its position affords to the inmates a delightful and fascinating view of scenery, admirably calculated to tranquilize their troubled spirits, and cool their fevered imaginations.

The main building is a brick structure, seventy feet square, three stories high. The first story is fifteen feet in the clear, contains eight rooms, and two halls fourteen feet wide. The second story is twelve feet in the clear, contains sixteen rooms, with halls same as in the first story. The third story is eleven feet in the clear, contains eighteen rooms, with halls same as in the lower stories. There is a ventilator in every room; flues in all the rooms in the first story, and in all the principal rooms in the second and third stories. The height of the spire from the ground is one hundred and nine feet, and the height of the top of pediment from the ground, is sixty-one feet. The upper stories are made use of for patients; the lower story for office of Resident Physician, Reception Rooms, Reading Rooms, Apothecary Rooms, Cabinet, etc.

This building was erected by virtue of An Act of the Legislature of 1853, which Act appropriated the sum of \$80,000 for that purpose. In consequence of the alarming increase of insanity among us, it was soon found to fall far short of the requirements of the State. In accordance with the liberal spirit which the Legislature has ever manifested towards this institution, the subsequent year an additional appropriation was granted for the erection of a wing, which was built in the summer of 1854. The wing, your committee found to be a substantial brick structure, one hundred and thirty feet in length, fifty feet in width, and is occupied mostly by male patients. An appropriation was also made by the last Legislature for the erection of a brick Kitchen, Bath and Wash Rooms; which your committee found to be built in a neat and substantial manner, admirably adapted to the purposes for which they were designed.

Your committee are much impressed with the necessity which exists for the erection of an additional wing, for the accommodation of female patients—the numbers of which are rapidly increasing—as also the absolute requirements of more room in order that patients can be more properly classified. The number of insane is comparatively few, who are visited with entire and absolute aberration of mind, and those who are thus afflicted should surely be nursed separate and apart from a different class of patients.

In order that a line of discipline may be adopted which the character of the mental afflictions require, and that those who are temporarily or partially de-

ranged may not be revolted or frightened by the occasional seemingly rough and rigorous enforcement of it in their presence, reason would teach us, that there must be found among the inmates of every insane asylum, many of both sexes—the rich and the poor; the learned and the illiterate; the refined and the vulgar; the good and the vicious;—each of which classes should be instructed, reprovved and restrained by methods suitable to their various conditions, temperaments, habits and associations. Your committee need not say that this, to a certain extent, is impossible, when the patients are thrown into one indiscriminate mass, without regard to the degrees of insanity, the difference of taste, habits and education. All such attempts to amalgamate in older institutions, have failed, and tended much to impair the utility of those institutions, in the promotion of health and happiness to a large class of suffering humanity.

Your Committee, therefore, would strongly second the request of the Trustees, for an appropriation this session of a sum in warrants equal in cash to forty thousand dollars, for the erection of an additional wing to correspond in size and architectural style with the one at present occupied.

For the purpose of giving your Honorable Body a better idea of the wants of the institution, and its appearance after the wing shall have been added, your Committee have caused to be prepared, a wood-cut, which is respectfully submitted with this report.

In regard to the grounds and out buildings connected with the institution, your Committee would say, that every thing appeared in most perfect order; neatness, convenience and durability, seemed to have been the great objects aimed at in their construction.

The grounds in front and adjacent to the buildings, are tastefully laid out with brick walks, and ornamented with flowers and shrubbery, calculated to strike the mind of every visitor with sensations of pleasure, and tending to cluster around the home of earth's unfortunates, visions of happiness and peace. On an examination of the wards, your Committee found everything in admirable order. In this department, as well as on the outside, great care seemed to have been taken to promote health, cleanliness and ventilation.

Your Committee found in the wards, one hundred and seventy patients, presenting a mass of humanity suffering with insanity in all its varied forms. The maniac, imbecile, idiotic, and the raving madman, in close proximity to each other, listening to each other's incoherent expressions and replying in the same strain. In the female wards, were found the mild and gentle maiden, grieving over the imagined desertion of a heartless lover, and the young mother, pining over the fancied death of a beloved child. In the same ward were heard the foul imprecations of the brazen-faced prostitute and the senseless chatterings of the aged vixen. In the male wards, the same degree of cleanliness and regularity was manifest; but owing to similar causes, the same want of classification was found. In all other respects everything seemed to be well arranged, and does much credit to those who have had the institution in charge.

One difficulty which appeared to your Committee strikingly manifest, in the institution, and which should not be overlooked, was the entire absence of any proper means by which the building can be properly warmed. Stoves have been in use to a limited extent; but your Committee are satisfied that they are not only inconvenient and expensive, but absolutely dangerous. In a climate like ours, artificial heat is not, of course, as much in demand as in many of the Atlantic States; but every one who has resided on this coast for a period of years, is well aware that seasons do occur in which the use of artificial heat would be absolutely necessary for three or four months in the year.

Your Committee would therefore recommend, that the Trustees be empowered to erect or provide apparatus for the warming of the entire building, in accordance with the plans now in use in the best asylums in the Atlantic States.



Your Committee are also of the opinion, that a small portion of the land belonging to the institution could be used for cultivation, that only as a source of some profit in the raising of vegetables, large quantities of which are used by the inmates of the institution, but also be a source of physical benefit to the patients.

The experiment of slight labor has been proved to be beneficial to some classes of patients in the Atlantic States, and your Committee are satisfied that on many in this Asylum the effects of labor would be salutary, unless they were overworked, an event highly improbable. By it physical health would often be promoted, mental quietude increased, and the physical man invigorated and refreshed.

In regard to the financial affairs of the Asylum, your Committee would say, that they have given them a thorough examination. They found vouchers for the expenditures under the different appropriations, and with a few slight exceptions everything appeared correct. The appropriation for subsistence for the past year, failed in November, consequently there is a deficiency for two months, amounting to near four thousand dollars.

Your Committee believe that a change in the commencement of the fiscal year is highly necessary, not only in point of convenience, and on account of the fiscal year of the State commencing in July instead of January, as with the Asylum, but also, as a measure of economy, supplies being obtainable on much more favorable terms if paid for at the time, than running the risk of delays as the Trustees are frequently obliged to, in consequence of the appropriation falling short, and the neglect of the Legislature to supply the requisite funds at an early day in the session.

The importance of bringing the transactions of the State upon a cash basis is manifest in the affairs of this institution, as well as all others where the State is concerned. Could the appropriations of the past year have been in cash instead of warrants, there would have been a saving to the State of at least fifteen thousand dollars. A change, then, to the cash system at the earliest practicable period is a result much to be desired.

In conclusion, then, your Committee would say, that the institution is in a prosperous condition, and certainly reflects great credit on those who have had it in charge. It is one which is an honor to our State, and one of which every true Californian may well be proud.

To the citizens of Stockton, the Trustees of the Asylum, the Resident Physician Dr. Reid, and his amiable and accomplished lady—Mrs. Reid, the Matron—as well as the Assistant Physician Dr. Cowan, your Committee are under the deepest obligations for the facilities offered them in the discharge of their duties.

The friendly and cordial welcome which was extended to them personally by all with whom they were associated, contributed not only greatly to the pleasure of their visit, but is a striking evidence to them, that the officers of State were not misguided in locating one of the principal public charities among citizens so strongly characterized by their advancement in refinement, intelligence and philanthropy.

HENRY M. FISKE,  
Chairman of Senate Committee.

THOMAS J. OXLEY,  
Chairman of Assembly Committee.

SACRAMENTO, March 29th, 1856.

Mr. Hawthorne moved that 1,000 copies of the report first presented be printed.

Mr. Burton moved to amend the motion by instructing the State Printer to return the report by Wednesday next.

The amendment was accepted, and the motion, as amended, prevailed.

Mr. McCoun reported back to the Senate Assembly Bill No. 263, relative to making an appropriation to defray the expenses of the State Prison from the 1st day of January, 1856, etc., and moved that the rules be suspended and the bill considered.

Lost.

The Bill was placed on the Calendar.

Mr. Coffroth presented the following report:

*Mr. President:*

The Committee on Corporations, to whom was referred Senate Bill No. 83, in relation to Wagon Roads, report the same back with a substitute, and ask its adoption.

JAS. W. COFFROTH.

On motion of Mr. Coffroth, the substitute was adopted and placed on file.

Mr. Lippincott presented the following report:

*Mr. President:*

A majority of the Yuba Delegation, to whom was referred Assembly Bill 277, being An Act to provide for the support of the Indigent Sick in Yuba County, beg leave to report the same back and recommend its passage.

C. E. LIPPINCOTT.

Mr. Lippincott moved that the rules be suspended and the bill considered now.

Agreed to.

The bill was then read a third time and passed.

Mr. De la Guerra presented the following report:

*Mr. President:*

The Committee to whom was referred Bill No. 200, An Act to provide for the payment of the Debt of the County of Santa Barbara, report the same back and recommend its adoption.

PABLO DE LA GUERRA.

On motion of Mr. Coffroth, the rules were suspended, the bill read a third time and passed.

Mr. Day presented the following report:

*Mr. President:*

The Select Committee, to whom was referred Assembly Bill No. 262, An Act to fix the time of holding the District Courts in the Third Judicial District, have had

the same under consideration, and report the same back herewith and recommend its passage.

S. DAY,  
Chairman.

On motion of Mr. Day, the rules were suspended, and the bill read a third time and passed.

Mr. Ashley presented the following report:

*Mr. President :*

The Special Committee, to whom was referred the Act to Organize Aransas County, have considered the same and propose one amendment, which is here with reported. The Act is returned for the consideration of the Senate.

D. R. ASHLEY

The bill was placed on the file.

The following communication was received from the Hon. Secretary of State :

OFFICE OF SECRETARY OF STATE, }  
March 29, 1856.

*To the Hon. the Senate :*

In obedience to the requirements of a resolution of the Senate, adopted on the 31st of January, I have the honor to communicate that I have caused to be made correct copies of the muster rolls of the different volunteer companies called into service for the defense of the State against Indian hostilities, from the originals on file in this office, and have delivered the same, properly certified, to His Excellency the Governor, to be transmitted to the Adjutant-General of the United States.

I have the honor to be,  
Very Respectfully,  
Your Ob't Servant,

DAVID F. DOUGLASS,  
Secretary of State.

Mr. Burnett moved to take from the file Senate Bill No. 146, An Act to lease Jonathan Williams tule lands in the County of Yolo.

Lost.

Mr. Tilford offered the following amendment to the 9th Rule. Amend by adding :

"And no Senator shall be allowed to speak to any question longer than five minutes, without leave of two-thirds of the Senate."

Mr. Coffroth moved to amend by inserting "ten" minutes, in place of "five."

Lost.

On the adoption of the resolution, the ayes and noes were demanded by Messrs. Coffroth, French and Tilford, with the following result :

AYES.

Messrs. Burnett, Burton, Bynum, Cosby, Crandall, Day, Dosh, Flint, Gove, Hawthorne, Heintzelman, Lippincott, McCallum, McNeill, Norman, Scellen, Shaw, Tilford and Waite—19.

NOES.

Messrs. Ashley, Coffroth, De la Guerra, Fiske, French, Hook and Mandeville—7.

So the amendment was adopted.

The hour for the Special Order of the day having arrived, the Senate took under consideration Senate Bill No. 142, An Act to exempt Mining Claims and Mining Implements from Forced Sales in certain cases.

Mr. Burton moved that the Bill be indefinitely postponed.

The ayes and noes were demanded by Messrs. Norman, Mandeville and Cosby, with the following result :

AYES.

Messrs. Ashley and Burton—2.

NOES.

Messrs. Burnett, Bynum, Coffroth, Cosby, Crandall, Day, De la Guerra, Dosh, Ferguson, Flint, French, Gove, Hawks, Heintzelman, Hook, Mandeville, McCallum, McCoun, McGee, McNeill, Norman, Rust, Shaw and Tilford—24.

So the motion was lost.

The Bill was then considered in Committee of the Whole.

After some time so spent, the committee rose and reported the Bill back, with certain amendments.

Mr. Tilford offered the following amendment :

Strike out all after the word "Court," in Section 1, 8th line, and insert the words "a judgment in any action, on a contract express or implied."

Adopted.

Mr. McCallum offered the following amendment to Section 3 :

Strike out all after the word "prior," and insert "to the commencement of the suit on which such judgment is rendered."

Adopted.



Mr. Hawthorne offered the following amendment :

Strike out the word "the," in Section 3d, in the 4th line, and insert the word "any."

Mr. Shaw offered the following amendment to Section 2d :

"Nor shall any of the provisions of this Act be made to apply to any debt or contract, for the purchase money of any mining claim, or other thing herein exempt from execution."

Adopted.

Mr. Coffroth moved to strike out, in line 2 of Section 2, from word "be," down to word "but," in 5th line, and insert "file in the office of the County Clerk."

Lost.

Mr. Burnett moved to strike out the word "such," in Section 5, last line.

Agreed to.

On motion of Mr. Norman, the Bill was considered engrossed for a third reading.

On the passage of the Bill, the ayes and noes were demanded by Messrs. Norman, Mandeville and Lippincott, with the following result :

AYES.

Messrs. Ashley, Burnett, Bynum, Coffroth, Cosby, Day, Dosh, Ferguson, Flint, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McCallum, McCoun, McGee, McNeill, Norman, Rust, Shaw, Tilford and Waite—24.

NOES.

Mr. Burton—1.

So the Bill passed.

Mr. Ferguson presented the following report :

*Mr. President :*

The Special Committee to whom was referred Senate Bill No. 128, entitled An Act to provide for the Construction of the State Capitol in the City of Sacramento, have had the same under consideration, and recommend the passage of the following substitute :

W. I. FERGUSON,  
A. S. GOVE,  
A. FRENCH,  
G. W. HOOK,  
W. W. HAWKS.

On motion, the Substitute was adopted, ordered printed, and made the Special Order of the day for Monday next, at 12 M.

Mr. Heintzelman offered the following resolution :

*Resolved*, That a Committee of three be appointed by the Senate to wait upon the Assembly, and request that body to act at once on Assembly Bill No. 2, returned to them at their own request by the Senate, and return the Bill back to the Senate.

Mr. McCallum moved that the resolution be indefinitely postponed.

The ayes and noes were demanded by Messrs. Norman, McCallum and Heintzelman, with the following result :

AYES.

Messrs. Ashley, Coffroth, Cosby, McCallum and McCoun—5.

NOES.

Messrs. Burton, Bynum, Day, De la Guerra, Dosh, Ferguson, Flint, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Shaw and Tilford—17.

So the motion was lost.

Mr. McCoun moved that the resolution be laid on the table.

Lost.

Mr. McCoun moved a call of the Senate.

Lost.

The resolution was then adopted, and the Chair appointed Messrs. Heintzelman, Cosby and Burnett such Committee.

On motion of Mr. Coffroth, the Senate took up Senate Bill No. 58, relative to deficiencies in appropriations.

Mr. Coffroth moved a call of the Senate.

Lost.

On the motion to reconsider the vote by which the Assembly amendment to the Bill relative to the appropriation to pay Wells, Fargo & Co. was non-concurred in,

The ayes and noes were demanded by Messrs. Coffroth, De la Guerra and French, with the following result :

AYES.

Messrs. Bynum, Coffroth, De la Guerra, Ferguson, Flint, Gove, Hawks, Lippincott, McCoun and Rust—10.

NOES.

Messrs. Ashley, Burton, Day, French, Hook, Mandeville, McCallum, McGee, McNeill, Norman, Tilford and Waite—12.

So the Senate refused to reconsider.

The question recurring on allowing the sum of \$1,000 to H. M. Low, as amended by the Assembly, Mr. Coffroth moved to lay the Bill on the table.

Lost.

Mr. McCoun moved to adjourn.

Lost.

Mr. Coffroth moved that the Bill be laid on the table.

Lost.

Mr. French moved to strike out "1,000" and insert "333 33 $\frac{1}{3}$ " in appropriation to Mr. Low.

Lost.

On concurring in the Assembly amendment, allowing \$1,000, the ayes and noes were demanded by Messrs French, Cosby and Coffroth, with the following result:

AYES.

Messrs. Cosby, Day, Dosh, Lippincott, Mandeville, Norman, Rust and Tilford—8.

NOES.

Messrs. Ashley, Burnett, Burton, Coffroth, Crandall, Ferguson, Flint, French, Gove, Heintzelman, Hook, McCallum, McCoun, McGee, McNeill, Scellen, Shaw and Waite—18.

So the Senate refused to concur.

On the amendment to allow the appropriation of James Langley, it was concurred in.

Mr. Heintzelman presented the following report:

*Mr. President:*

Your Special Committee appointed to ask of the Assembly the speedy return of Assembly Bill No. 2, known as the San Francisco Consolidation Bill, have waited upon the Assembly and been requested by a unanimous vote of that body to inform the Senate that they will at once proceed to the consideration of the Bill in question, and return it to the Senate as speedily as possible.

HEINTZELMAN,  
J. D. COSBY,  
W. C. BENNETT.

On Assembly amendment to pay \$193 to W. P. Henry, the same was concurred in.

On Assembly amendment to pay City Water Works \$235, the Senate refused to concur.

Mr. Coffroth moved that a Committee of free conference be appointed on the part of the Senate to confer with a like Committee on the part of the Assembly, on the disagreement of the Senate on Assembly amendments.

Lost.

Mr. Coffroth gave notice that he would, on Monday next, move a reconsideration of the vote by which the Senate refused to concur in Assembly amendment appropriating \$1,000 for the payment of W. M. Low.

The President *pro tem.*, Mr. Ashley, decided that the notice of a motion to reconsider would not prevent the Secretary from delivering the Bill to the Assembly.

Mr. Coffroth appealed from the decision of the Chair.

The question being "Shall the decision of the Chair stand as the judgment of the Senate?"

The ayes and noes were demanded by Messrs. Coffroth, Mandeville and Rust, with the following result:

AYES.

Messrs. Burton, Bynum, Crandall, Dosh, Flint, French, Gove, McCallum, McGee, McNeill, Norman, Scellen, Shaw, Tilford and Waite—15.

NOES.

Messrs. Burnett, Coffroth, Cosby, De la Guerra, Ferguson, Hawks, Lippincott, Mandeville, McCoun and Rust—10.

So the decision of the Chair was sustained.

Senate Bill No. 71, An Act to amend "An Act to Suppress Houses of Ill-Fame," was, on motion, taken up, read a third time and passed.

On motion of Mr. Mandeville, the Senate adjourned.



IN SENATE.

MONDAY, March 31, 1856.

Senate met pursuant to adjournment.

Lieutenant Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of Saturday read and approved.

Mr. Burton presented the following report :

*Mr. President :*

Your Committee on Enrollment have examined and find correctly enrolled. an Act entitled An Act amendatory of an Act entitled "An Act to provide for the Incorporation of Wagon Road Companies," passed April 22, 1853 ; and

An Act entitled An Act to amend an Act entitled "An Act to regulate fees of Office."

E. F. BURTON.

Mr. Lippincott asked leave to introduce a Bill.

On motion of Mr. Rust, leave was granted Mr. Lippincott by a two-thirds vote, to introduce a Bill for An Act amendatory of an Act entitled "An Act to Incorporate the City of Marysville," approved March 5th, 1855 ; which was read a first and second times.

On motion, the rules suspended, read a third time and passed.

Mr. Waite offered the following Concurrent Resolutions, which were adopted :

*Resolved*, By the Senate and Assembly of California, That our Senator be instructed, and Representatives in Congress requested to use their best endeavors to procure for this State from Congress, the appropriation of Books which might have been granted this State had said State passed through a territorial form of government.

*Resolved*, That the Governor be requested to forward a copy of the foregoing Resolution to our delegation in Congress.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills have examined Senate Bill No. 106, entitled An Act to Fund the Indebtedness of the State now existing in the form of Controller's Warrants, drawn on the General Fund, or that may be outstanding on the first of January for indebtedness accruing prior to January 1st, 1857 ; also

Senate Bill No. 142, entitled An Act to exempt Mining Claims and Mining Implements from Forced Sale in Certain Cases, and find the same correctly engrossed.

McCALLUM,  
Chairman.

Mr. French moved to take up Senate Bill No. 106, the Funding Act.

Lost.

Mr. McCoun, from the Committee on Finance, reported back Assembly Bill No. 93, An Act to amend an Act entitled "An Act to provide Revenue for the Support of the Government of this State," passed May 15th, 1854, and to amend the several Acts amendatory thereto.

Made the Special Order for to-morrow at 12 o'clock M.

Mr. Mandeville, from a Select Committee, reported back Assembly Bill No. 78, An Act to provide for the erection of a Jail in the County of Tuolumne.

The Bill was placed on the calendar.

Mr. Burton, from the Special Committee to examine the books of the late State Treasurer, made the following report :

*To the Hon. the Senate and House of Assembly :*

Your Joint Committee, appointed to examine the books and accounts of the State Treasurer, Hon. S. A. McMeans, would report :

Upon an examination of the books which had been kept in the office, we ascertained that it would be impossible for us to give them the attention necessary to make a report ere the close of the session. An accountant was employed as Clerk to the Committee, whose investigation has been thorough, and his report to us of the accounts, made in accordance with our instructions, exhibits the full transactions of the Treasurer's Office during the term of Dr. McMeans. By our directions, the discrepancies between the books and reports have been entered in the Schedule accompanying the account, and is clear and comprehensive.

The "Act concerning the office of State Treasurer," passed January 24th, 1850, Sec. 4, reads : "He shall receive and keep all moneys of the State not expressly required by law to be received and kept by some other person ; shall disburse the public moneys upon warrants drawn upon the treasury, according to law, and not otherwise ; and shall keep a just, true and comprehensive account of all moneys received and disbursed," etc.

This last requirement of the law has not been complied with. The most important book of the office, the Leger, which should show at a glance the condition of every fund, having been entirely omitted for one year. A Journal, which should give the minutiae of entries made upon the Leger, was also omitted for eleven months. And further, the books that have been kept, do not contain the full exhibit of business transacted during those periods.

The duties and labor to keep correct accounts in this office are of the simplest kind. With exception of the water-lot receipts, up to May 24, 1855, all revenue went through the Controller's Office, who directed the fund and the amount to be credited. The disbursements are almost wholly upon orders of the Controller, which, if lawfully drawn, specify the fund from which they are to be paid.

Your Committee can see no reason why the accounts should not have been kept with system and precision.

From the account we submit, we report a deficiency of vouchers of disbursements amounting to \$20,449 41, which is unexplained by the Treasurer, whom we have afforded every opportunity for that purpose. In addition to this are the following amounts, which with the evidence we have before us, require further investigation, and if no further light can be thrown upon them, they will be properly chargeable as deficits against the Treasurer:

First. The amount of "Treasurer's returned Receipts," omitted in the account we present, is \$29,689 92. Of this amount from the evidence we have, \$25,748 was an actual receipt, and if not accounted for satisfactorily, will enter, in addition, to the general deficit.

Second. The amount paid Messrs. Selover & Sinton in December, 1855, \$31,300, from the evidence now before us, was a payment upon a claim without foundation in law or equity, and if no further light can be thrown upon the transaction than we have, when further investigated, then this amount will be an additional deficit to the others above specified.

Third. In this order, the entry of amount of exchange paid Palmer, Cook & Co. as a credit, will be mentioned, and explanation given.

### I. TREASURER'S RECEIPTS RETURNED.

By the Act of May 18, 1853, the State provided for the sale of water-lots in San Francisco.

Section eleven "requires the proceeds of these sales to be paid the State Treasurer, whose duty it was to attend and receive it. Section seven states the terms of the sales to be ten per cent. down, twenty-five per cent. in ten days thereafter, and sixty-five per cent. in three months. In default of the full payment the property to be resold at purchasers' expense, and for their account. Section eight provides that the Land Commissioners shall execute deeds to purchasers when the terms of the sale are complied with.

The evidence in this case is, that a portion of the above amount of receipts are those given by Major Roman, former State Treasurer, to purchasers, said receipts specifying the numbers or boundaries of lots. If the amount received by Major Roman was in full payment, the purchaser could procure conveyances of the lots from the Land Commissioners on a surrender of the receipt.

Between January and July, 1854, parties unknown, or not recollected by Dr. McMeans, presented some of Major Roman's receipts, for lots purchased at sales in 1853, and asked that they might be taken as so much cash, upon other property. It being *prima facie* evidence by the parties holding the receipts, that the money had been paid, and that no deeds had ever issued, they were taken as cash, and Dr. McMeans' receipts for equal amounts were given specifying other property, which receipts, if they were for full payment upon such other purchases, would enable the holders to obtain conveyances. In order to show the full transactions of his office, these receipts of Major Roman, taken as cash, were entered as a receipt in the annual report, and the same amount credited. The books do not show anything regarding it, and the above is the explanation of Dr. McMeans to the Committee, corroborated by Mr. Gift's statement, which will be seen by reference to Appendix No. 2, together with a copy of Major Love's receipt. In March, 1855, Major Love, one of the Land Commissioners, to enable him to adjust the books of the Commissioners, borrows these receipts of Major Roman's, which had been taken by Dr. McMeans as cash, and gives his receipt and obligation to return them when required, a copy of which is given, as before mentioned. The affidavit of Dr. McMeans (see Appendix No. 8,) states he has



been unable to get the originals. Major Love on retiring from office, in May, 1855, surrendered all the papers held by the old to the new Board.

Were this all the evidence, it would show a complication of the Land Commissioners' accounts, and a method by which parties could obtain by fraud, deeds to lands with one receipt, twice or more times.

But your attention is called to two of the items included in the receipt signed by Major Love, viz.:

Selover & Sinton,.....	\$2,748
Palmer, Cook & Co.....	23,000
	<hr/>
	\$25,748

The correctness of these payments are vouched by the following entries of credit on Major Roman's books:

Dec. 28, 1853. R. H. Sinton,.....	\$2,748
" " " Palmer, Cook & Co.....	23,000
	<hr/>
	\$25,748

To ascertain if deeds had been issued on account of above receipts, the Land Commissioners' books were referred to, and a transcript of account of Palmer, Cook & Co., as entered in two Legers, is given. See Appendix No. 5:

Which exhibits that on December 28th, 1853, they are charged with purchase of lots Nos. 22, 23, 24 and 34,.....	\$30,875
And credited December 31st, 1853, amount paid Treasurer,.....	\$25,748
" March 21st, 1854, " " " .....	5,137
	<hr/>
	\$30,875

At the foot of these Leger entries is written, "These lots deeded to J. C. Palmer."

The other items in Major Love's receipt could not be definitely traced upon the books of the Land Commissioners. These, however, show that deeds were *once* issued on two of Major Roman's receipts, which were taken subsequently by Dr. McMeans as cash, and for which his receipt for the same amount, substituting other property, was issued, and was good for the procuring of deeds, if the amount covered a full payment. We have no evidence before us to show that deeds *were* issued on the receipts given by Dr. McMeans, and the investigation of the Land Commissioners' books and records only will show it.

How came these receipts out of the possession of the Land Commissioners after they had once satisfied them by issuance of deeds? If by fraud, and not carelessness, then they are exonerated, and it is due those gentlemen composing the old Board, that the matter be sifted and fully explained.

Had the Treasurer the right to exchange receipts in this manner? If he had, either with or without the consent of the Land Commissioners, no blame can attach to him, and the amount of loss would fall upon the State. If he had not the right to receive them, and the fact of the issuance of deeds upon Major Roman's receipts is substantiated upon a further investigation, then it is the opinion of your Committee that Dr. McMeans is responsible to the State for the amount of \$25,748, and any other portion of the receipts specified that may be found to be of the same character.



Two of the items specified in the aforesaid receipt given by Major Love, we know are of a different character, viz.: That for four hundred and thirty-three dollars and fifty cents, and five dollars and seven cents, issued by Dr. McMeans.

For a complete understanding of their nature, we will cite an example :

A party purchase a lot for \$5,000. The first installment of ten per cent. to be paid the day of sale, would be five hundred dollars; the warrants or bond given in payment, might be five hundred and sixty dollars. The Treasurer, to make the change, gives his receipt for the five hundred dollars, also one for sixty dollars—or one for five hundred and sixty dollars—specifying that the holder is entitled to a credit of the overplus of sixty dollars upon the second installment. To make the Treasurer's books balance it would be necessary to debit the full amount received, and credit the amount of his receipt returned for the surplus; and when the second installment was paid, he would debit the full amount, including the sixty dollars. But suppose no other payments were made afterward, the credit of the sixty dollars would be an error, as he had the full amount paid, and his receipt outstanding would be good only for the payment upon property.

As two of these "returned receipts" are clearly defined, the other four may be found on examination to be just credits upon the full amount.

As the object of the first payment on the day of sale was to bind the purchasers, your Committee can but commend the course of the Treasurer in thus securing to the State the benefit of all the revenue possible from these sales; for if purchasers failed to complete their purchase stipulations, the State was benefitted and the Land Commissioners would have a lesser amount to sue for and recover.

II. The account rendered has entered as a credit, the sum of \$31,300, (Item T.,) cash paid Messrs. Selover & Sinton, for moneys alleged to have been over-paid by them on account of the sales of water-lots.

Appendix No. 6, contains a communication to the Committee from Dr. McMeans, and his statement is as follows :

"Messrs. Selover & Sinton were State Auctioneers for the sale of Water-Lots, and in their private capacity acted as agents for parties, to forward moneys to the State Treasurer and procure deeds from the Commissioners. At various times, amounts were sent, and receipts of Treasurer returned therefor, which amounts received would be entered upon the books. It became necessary to aggregate the whole of these lesser receipts into one, at times, as in this instance : Messrs. Selover & Sinton advanced the sum of \$31,300 in all, and the parties for whom they acted as agents failing to reimburse them, they claimed the return of the amount paid."

Your attention is called to (Appendix No. 4) a copy of the State Treasurer's receipt for \$31,300 Controllor's Warrants, dated October 30, 1854, specifying it was received on account of water-lot sales, made October 26, 1854, four days prior.

Also to a copy of Messrs. Selover & Sinton's receipt to State Treasurer, for \$31,300 refunded on account of amount due them upon final settlement, for moneys received for sales of water-lots and over-paid State Treasurer, in the year 1854, and January, 1855.

As this receipt of the Treasurer for the warrants is the evidence of the money having been received from Messrs. Selover & Sinton, and for the cancellation of which the money was returned, it will be observed it is given for proceeds of sales October 26, 1854, and the smaller receipts for which this was given must have been for sales the same date. The Redemption Warrant Register has no entries from October 17, 1854, until November 1, 1854, at which last date there is entered, as received from C. K. Garrison, warrants for State property to amount of \$48,183 64.

The receipt given by Messrs. Selover & Sinton, however, specifies that the over-payment was in the year 1854, and January, 1855.

There are none of the small receipts canceled by issue of the larger one on hand, nor entries upon the books of small amounts received between October 26 and October 30, 1854.

Granting the statement to be correct, that this amount was paid on account of sales of land, by Messrs. Selover & Sinton, as agent for others—that the Treasurer issued his receipt therefor, and credited the State with the amount—if parties failed to pay the balance of purchase-money, the Land Commissioners, under the law, were required to sue and recover the amount due and unpaid. The Treasurer having receipted for the amount and passed it to the credit of the State, could not refund, except in conformity with law.

Section one, of an Act of the Legislature, approved March 27, 1855, entitled "An Act concerning the offices of Controller and Treasurer of State," reads as follows:

"From and after the passage of this Act, it shall not be lawful for the Treasurer of State to receive or pay out any moneys, bonds, warrants, or other evidences of indebtedness, in full or part payment of any State dues or indebtedness, except upon, and in conformity with, the order of the Controller of State."

This payment to Messrs Selover & Sinton was made December 29, 1855, without an order or the knowledge of the Controller—fourteen months after its receipt—in direct violation of law, and over-drawing the General Fund, \$21,078 33.

The Treasurer's explanation of the reason for its refunding is, that it was paid by them as agents, that they held his receipt for the amount, and could sue him upon his bond to recover it, whereas if it was improperly returned to them, the State would be obliged to sue them for it.

Your Committee would report upon this, that if on further investigation, it shall be found the above statements are correct, and no other explanation more satisfactory can be made—that the Treasurer had no right to return this amount, having received it in due and legitimate manner; and, that if it was a proper and just claim of Messrs. Selover & Sinton, the course pursued in its payment was in direct violation of law, and that the Treasurer is responsible to the State for the full amount. From the evidence before us, it is our opinion, also, that Messrs. Selover & Sinton had no claim upon the State or the Treasurer, either in law or equity.

III. On December 15, 1855, the Treasurer paid Messrs. Palmer, Cook & Co., \$15,270.96, for exchange upon the order and paper, a copy of which is herewith submitted. (See Appendix No. 3.)

Of the amount upon which exchange was paid, there was forwarded from 1852 to 1854—

By Major Roman, State Treasurer,.....	\$227,300 33
By Dr. McMeans, " 1854 to 1856,.....	371,707 67

\$590,008 00

No contract or agreement between Major Roman and Palmer, Cook & Co. is on file among the papers in our possession showing an obligation to pay exchange. The contracts and agreements of Dr. McMeans with Palmer, Cook & Co. are concise and explicitly drawn from each amount forwarded during his term of office. Only one specifies that exchange shall be paid, viz: that for the remittance of \$110,300, to meet the principal and interest of bonds falling due in New York, March 1, 1855, agreeing to pay three per cent. on the amount. The others

specify, that in event the amount paid them should not be sufficient to meet the interest called for in full, they shall advance the sum necessary and receive interest thereon at the rate of ten per cent. per annum until reimbursed.

In absence of any specific contract to pay this amount, that your committee have been able to find, we will recite the power conferred upon the Treasurer to forward moneys.

Section tenth of "An Act to Fund the Debt of the State," passed April 29th, 1851, gives the Treasurer power to make such contracts and arrangements for the payment of interest as would be necessary to preserve the faith and credit of the State should the Interest or General Fund, or both, prove insufficient to supply the demand at the time needed; also to make the arrangements sixty days before the amount falls due.

No evidence can be found that there was a necessity to go outside of the Treasury for funds during Dr. McMeans' term of office.

The money was paid upon an order of the Controller, annexed to an account current, and not in form of a warrant specifying the fund out of which it should be paid.

Section two, amending section six of "An Act concerning the Office of Controller," passed April 13th, 1854, says: "He shall draw all the warrants upon the Treasury for money, and each warrant shall express in the body thereof, the particular fund out of which the same is to be paid; and he shall also indorse upon each warrant, by him so drawn, the specific appropriation applicable to the payment of the same, except only in cases otherwise specially provided by law, and no warrant shall be drawn on the Treasury, except there be an unexhausted specific appropriation by law to meet the same."

If the money paid out can be construed as interest, the Treasurer had power to pay it without an order of the Controller. If it was for other than interest, your committee are of opinion that the "order" for its payment was insufficient authority to the Treasurer; also, that the Controller after auditing the account, should and could only have drawn a Controller's Warrant upon an appropriation for that purpose, and specifying the fund from which the same should be paid.

The amount paid was drawn from the Sinking Fund, which is set apart for the redemption of bonds. Appendix No. 7, is a copy of an affidavit of Dr. McMeans, stating the Controller informed him the order was a sufficient voucher for the payment of the money.

IV. There is no open account upon the books with Messrs. Palmer, Cook & Co. as agents of the State, charging them with funds for remittance, and crediting them with vouchers returned. Appendix No. 1, is a copy of an account rendered by them to State Treasurer, October 30th, 1854, and balance to that date. Also a statement of the account current with them from that time to the 31st of December, 1855, as taken from receipts and letters on file, showing a balance of \$151,949 39, for which vouchers have not yet been returned. This account is kept only by the State Treasurer; the vouchers that have been returned are entered in coupon books made for that purpose.

V. The Schedule, Item R, explains the nature of claim against Adams & Co. or their assignees. The money having been lost by their default as common carriers, they are liable for the full amount. By letters on file, it is shown Dr. McMeans made claim for the amount to the old Board of Assignees, who replied they would inquire into it and report to him, since which time nothing has been heard or done about it.

Your committee recommend that the evidence in this case be gathered by the Controller, and with a claim for the full amount be laid before the "Referee," or proper parties for payment in full, \$6,279.



From our examination of the books and accounts kept in this office, we report gross negligence on the part of the Treasurer, in omitting to keep a systematic, full and correct set of books, for which there is no valid reason assigned or that can be given, and we are satisfied a correct and full set of books can not be made out in less than six months.

To secure the amount which we report as a deficit, and the other amounts, which, on a further investigation, may be more clearly proved as additional deficits, it is necessary that the books shall be written up, and the time and place of the deficiency be shown upon them, for the reason, that the Treasurer filed three security bonds at various dates, the last two releasing the sureties upon the first, from and after their respective dates. No action could be taken to recover any amount found due without such evidence.

The result of this investigation shows, from the books, accounts and reports kept, which we have had before us, that there is an unexplained deficiency of vouchers for disbursements of \$20,449 41, which, if on a final settlement, the Treasurer cannot supply, will be due the State.

Also, the amount of \$25,748, not entered in the account of "Treasurer's Receipts," received as cash if proven to be as stated by us, and the Treasurer was not authorized to receive them, will be an additional deficit to the above.

Also, the amount paid Messrs. Selover & Sinton, \$31,300, if proven to be as stated by us, will be an additional deficiency to both the above.

We recommend that the present State Treasurer be requested to open an account with Messrs. Palmer, Cook & Co., and settle with them for the balance due on interest account in vouchers.

The committee would finally recommend that a Commissioner be appointed, with power to send for persons and papers, whose duty it shall be to make up a full and complete set of books, gather all the evidence relating to the various transactions mentioned in this report, sustained by affidavits, and report to the Governor, to be by him transmitted to the Legislature at its next session. This course is imperatively required, that equal and exact justice be done to Dr. McMeans, the other parties mentioned and the State.

All of which is respectfully submitted.

D. R. ASHLEY, Chairman.

E. F. BURTON,

Senate Committee.

THOMAS J. OXLEY, Chairman.

W. H. TAYLOR,

DANIEL DUSTIN,

Assembly Committee.

SACRAMENTO, March 31st, 1856.

## REPORT OF CLERK OF JOINT COMMITTEE.

SACRAMENTO, March 28, 1856.

Messrs. ASHLEY, BURTON, OXLEY, TAYLOR AND DUSTIN,  
Special Joint Committee of the Legislature :

GENTLEMEN :

In accordance with your instructions, I have made a searching and thorough examination of the condition of the books and accounts of S. A. McMeans, late



State Treasurer, embracing the transactions from January, 1854, to January, 1856.

Neither a full and complete set of books have been kept, nor a definite system followed. It is impossible to make up a correct Ledger account, showing the receipts and expenditures under each fund, with names and dates, in season to report to you prior to the adjournment of the Legislature, as the receipts are but partially entered upon the books, and the vouchers of disbursements are so mixed up in the various books, it would be two months' labor to separate them. The books kept have been—

A Journal and a Cash Book, from January, 1854, to February, 1855—13 mos ;

A Ledger for the month of January, 1854 ;

A Ledger and Cash Book combined, from February, 1855, to January, 1856—11 months ;

An Issue and Redemption Register, for the whole term.

Those omitted to be kept, and necessary to complete a set, are—

A Ledger, from February 1, 1854, to February 1, 1855.

A Journal, from February 1, 1855, to January 1, 1856.

The receipts paid in upon Controllers' orders, in cash and in warrants, are sometimes both entered upon the cash account ; at others, the cash only, the warrants being placed upon the Redemption Book. The receipts in bonds are in part entered—not posted, as there was no Ledger—and are in part entered on the Redemption Book.

In April, 1855, Messrs. Kendall and Wells, a committee appointed by the Legislature for the purpose, entered upon a record book warrants and bonds paid by the Treasurer to that date, and canceled them by burning. As these entries do not compare in order of entry with the Redemption Register, and do not specify the various funds upon which said warrants were drawn, I could not, in the time allowed, dissect each item to make out the Ledger, but corrected the entries by the Issue Register of the Controller and the footings made by the Committee, and gave credit for the full amount in the general account.

The Governor and Controller, by virtue of law, at three different dates, also canceled by burning the bonds redeemed and at the time on hand, also the \$700,000 of warrants received for the issue of bonds, under Act of 1855. Of these amounts destroyed, the Redemption Warrant Register does not show the full amount of warrants, neither the Bond Register of bonds. Two hundred and fifteen bonds paid in New York by Palmer, Cook & Co. in March last, and thirteen paid by Dr. McMeans, are not entered ; neither can I find any record of their numbers or date. I have given credit in the General Account for the amount of receipts signed by the above, for bonds paid by the State Treasurer.

The Cash Account, as kept in the office, balances in itself ; but as it does not contain the full transactions by a large amount—and the book entries and the annual and special reports differing from each other—I have been forced to make up a "General Account," entering in gross the receipts ascertained from the books (except the item of Water Lot Property,) and from the receipts filed in the Controller's office. In a Schedule accompanying the General Account, I have given in detail the discrepancies between the books and reports, especially upon the matter of water lots, and the way the amount charged on the account was derived. I have credited the Treasurer with every item of credit that could be found either on books, registers or reports, and have made diligent search for other evidences. The amount entered is all I have been able to find. The war debt and funding of

outstanding war warrants being separate from the above, I have not examined. The warrants received for other funded bonds, not being kept separate, I have brought them into the account necessarily.

In the receipts on account of water lots (State property) entered in the account, I have omitted an amount (\$29,689 97) which was reported by the Treasurer as a receipt in his annual report to the Legislature, but the account balanced by charging off the same amount. As this is in dispute, I have left it out entirely, so that the deficit shown has no connection with it.

The Schedule accompanying explains each item.

*Receipts into the State Treasury, from January, 1854, to January, 1856.*

A.	Balance received from Maj. Roman, (late Treasurer).....	\$176,850	71
B.	Amount paid through Controllers' orders for which Treasurers' receipts were filed—		
	Cash.....	\$1,249,236	97
	Warrants.....	247,048	35
		<hr/>	1,496,285 32
C.	Amount received for sale of Water Lots (State property.) exclusive of the \$29,689 97 in dispute.....	375,997	80
D.	Amount Land Warrants issued, for which Controllers' Warrants were received.....	640	00
E.	Amount Bonds issued under Act of 1851.....	\$1,000	00
	“ “ “ “ 1852.....	800	00
	“ State Prison Bonds issued.....	8,500	00
	“ Bonds issued under Act of 1855.....	700,000	00
		<hr/>	\$710,300 00
F.	Amount Treasurers' certificates of balance, issued viz:		
	From January, 1854, to July, 1854.....	\$6,926	40
	From July, 1854, to July, 1855.....	36,574	98
	From July, 1855, to January, 1856.....	5,374	59
		<hr/>	48,875 97
G.	Discount on Bonds redeemed from the Sinking Fund—bids below par.....	929	11
	Total receipts.....	\$2,809,901	78

*Expenditures, including Warrants received for Bonds Issued.*

H.	Sundries, as per Record Book of Legislative Committee, viz:		
	Warrants and certificates of balance—funds unspecified—	\$1,017,516	14
	Warrants on School Fund.....	90,690	01
	35 Bonds (Act 1851,) \$500 each.....	17,500	00
	2 Temporary State Loan Bonds.....	325	00

## I. Sundries receipted for by Governor and Controller, vouchers burned, viz:

136 Bonds (Act 1851,) \$500 each.....	\$68,000 00	
27 Bonds (Act 1852,) \$1,000 each.....	27,000 00	
9 Bonds (Act 1852,) \$500 each.....	4,500 00	
55 State Prison Bonds, \$500 each.....	27,500 00	
13 Bonds, 1851, \$500 each.....	6,500 00	
Warrants for Bonds of 1855.....	700,000 00	
		<hr/>
		\$833,500 00

## J. Sundries, vouchers on hand, viz:

Warrants and certificates of balance.....	\$362,697 32	
13 State Prison Bonds.....	6,500 00	
1 Bond (Act 1851).....	500 00	
353 Coupons of Interest paid.....	3,440 30	
		<hr/>
		373,137 62

## K. Receipts of Palmer, Cook &amp; Co. for moneys to pay principal and interest of Bonds in New York.....

371,707 67

## L. Dr. Bates' (present Treasurer) receipt for balance handed over by Dr. McMeans.....

30,149 01

## M. Loss on gold dust paid in by County Treasurers.....

730 07

## N. Interest paid on Temporary State Loan Bonds redeemed....

476 85

## O. Interest paid on Bonds redeemed from Sinking Fund.....

682 90

## P. Interest allowed on Bonds received for State property.....

155 84

Q. Bill, *Alta California*, advertising for bids to surrender Bonds.....

32 00

## R. Amount lost by Adams &amp; Co., as common carriers, failing to pay over moneys received from Placer and Tuolumne County Treasurers.....

6,279 00

## S. Exchange of 3 per cent. on \$599,008, paid Messrs. Palmer, Cook &amp; Co., December 15, 1855, for moneys remitted to New York on account of the State, to pay principal and interest on Bonds.....

15,270 26

## T. Amount paid Messrs. Selover &amp; Sinton, Dec. 29, 1855, for alleged overpayment, Oct. 30, 1854, of moneys on account of water lot sales.....

31,300 00

Total expenditures.....\$2,789,452 37

Balance deficit.....20,449 41

---

\$2,809,901 78

## SCHEDULE.

## A. Corresponds with Ledger Balances upon Major Roman's books.

B. The following exhibits the sources from which the amount charged was received, all of which was paid over upon Controllers' orders :

	In Cash.	In Warrants.
From County Treasurers.....	\$1,040,655 15	\$187,063 92
“ Secretary of State.....	4,307 75	
“ Fund Commissioners of City of San Francisco, twenty-five per cent.....		50,000 00
“ Estate of Geo. Brock, deceased.....	89 09	
“ District Attorney, Sacramento County....		9,673 04
“ Gov. Bigler, Custom House Block.....	150,000 00	
“ City of San Francisco, land sales and State property .....	398 98	311 39
“ Commissioner of Immigrants.....	53,786 00	
	<hr/> \$1,240,236 97	<hr/> \$247,048 35

Total per Controllers' orders.....\$1,496,285 32

Of this amount there is entered in the cash account, \$1,426,226 88, and the balance was carried to the Redemption Register.

#### STATE PROPERTY.

C. The receipts from this source went direct to the State Treasurer, except the amount of \$366 62 entered above, as passing through the Controller's Office ; the Journal, the Redemption Registers, the Annual and Special Reports, differing widely with each other, and with the Reports of the Land Commissioners. I have entered the amount shown by each, and then the way the amount charged in the general account was derived.

##### 1. *The Journal.*

This book was kept for thirteen months, as before stated, and has thirty-four entries of receipts for State property, fifteen of which specify the names of persons paying, and the kind of payment ; the other nineteen do not specify but the kind of payment, no names, and are in aggregate as follows :

Cash .....	\$5,147 50
Warrants .....	187,706 67
Bonds .....	59,806 39
Audited Accounts .....	35,562 65
Treasurers' Receipts.....	534 57
Total .....	<hr/> \$288,757 78

##### 2. *The Redemption Registers.*

The Warrant Register has the following amounts entered :

From January, 1854, to July, 1854 .....	\$109,494 94
“ July, 1854, to February, 1855.....	143,464 33
“ February, 1855, to January, 1856.....	38,046 11
	<hr/> \$291,005 38



The Bond Register has the following amounts:

From January, 1854, to July, 1854.....	\$60,500 00	
" July, 1854, to July, 1855.....	5,000 00	
		<u>\$65,500 00</u>
To this add amount shown by Journal as received in cash, which is also entered in cash account.....		5,147 50
		<u></u>
Total receipts as shown by books.....		\$361,652 88

### 3. *The Annual and Special Reports.*

These reports exhibit full Ledger accounts, and the amounts are condensed into a General Balance, and proved correct by the Journal Balance.

The Annual Report, July 1, 1854, states receipts from January to July, 1854.....	\$191,978 90
The Special Report, February 1, 1855, states receipts from July, 1854, to February, 1855 .....	194,774 88
The Special Report, March 1, 1855, states receipts from month of February .....	7,673 33
	<u></u>
Total as per reports.....	\$394,427 11

From this deduct the amount reported July 1, 1854, as a receipt, and charged off, being Treasurers' receipts returned, which amount is in dispute, and which is added to amount of same character, in July 1, 1855, report of \$529 50 .....	29,785 97
	<u></u>

Total reported actual receipts..... \$364,641 14

The Special Report, made February 1, 1855, states the receipts from July, 1854, to February 1, 1855, to be .....	194,774 88
The report for the month of February, to be.....	7,673 33
	<u></u>
Total.....	\$202,448 21

The report made July, 1855, (annual) states the same amount of receipts \$202,448 21, to July, 1855, which would exhibit that nothing was received from March 1, to July 1, 1855.

The Redemption Warrant Register has entered as received from February 1, 1855, to July 1, 1855, the sum of.....	\$38,046 11
---	-------------

From this deduct the amount reported for February... \$7,673 33	
Also Warrants issued from February to July, 1855, to take up audited printing accounts received as cash prior to that time, and now entered on Register....	18,745 50
	<u></u>
	26,418 83

Total received from March to July, 1855, as per Register, and not included in July Report .....	\$11,627 28
---	-------------

#### 4. *Old Board of Land Commissioners' Report.*

Made to the Legislature, dated May 24, 1855, states the amount received for sales State property, and paid State Treasurer, not designating whether Major Roman or Dr. McMeans, to be..... \$587,408 96

#### 5. *Report of New Board of Land Commissioners.*

Made to the Legislature, dated January 2, 1856, (J. S. Cohen agent,) states that from a careful examination of the books and papers in that office, he finds that there has been received and paid into the State Treasury, for property purchased by sundry persons, at sales made by former Board, the sum of ..... \$500,634 91

#### 6. *Major Roman's Books*

Show receipts entered from this source, of..... \$134,380 27

#### 7. *Receipts on file with present Land Commissioners, signed by S. A. McMeans, and by "S. A. McMeans, by Selover & Sinton,"*

Show payments in cash.....	\$39,951 09
" " .....	80,494 43
	<hr/> \$120,445 52

#### 8. *Discrepancies in above Exhibits.*

		Totals.
Amount received by Major Roman.....	\$134,380 27	
" " Dr. McMeans, per Registers and		
Cash Book.....	361,652 88	
	<hr/>	\$506,033 15
Amount received by Dr. McMeans, per Reports, less		
\$29,785 97.....	364,641 14	
	<hr/>	499,021 41
Amount received by Dr. McMeans, per reports, (with		
\$29,785 97).....	394,427 11	
	<hr/>	528,807 38
Amount received by Dr. McMeans, per Reports and		
Register, and charged in account.....	375,997 80	
	<hr/>	510,378 07
Amount received by Dr. McMeans, per Reports (with		
\$29,689 92).....	405,687 77	
	<hr/>	540,068 04
The receipts on file with present Land Commissioners show cash		
payments of.....	\$39,951 09	
The Treasurer only received by his books, in cash.....	5,147 50	
	<hr/>	
Difference .....		\$34,803 59

9. *The Items of the Amount Charged in the General Account.*

The amount reported as received, July 1, 1854.....	\$191,978 90
“ “ “ from July 1, '54, to Feb. 1, '55	194,774 88
“ “ “ for February, 1855.....	7,673 33
“ entered on Redemption Register in Feb'y—additional	3 97
“ “ “ “ as received from	
March to July 1, 1855.....	11,623 31
Total .....	<u>\$406,054 39</u>

From this I deduct the “Treasurer's Receipts Return- ed,” which are in dispute.....	\$29,689 97
Also, the amount charged in General Account, paid in through Controller, (Item B.).....	366 62
	<u>\$30,056 59</u>
Balance charged.....	<u>\$375,997 80</u>

D. Compares with Issue Register of the Controller.

E. Taken from the Treasurer's Issue Register.

F. Taken from the Treasurer's books of issue—	
Total issue from July, 1854, to July, 1855.....	\$36,574 98
Total reported—Annual Report—July 1, '55, for same time	13,898 96
Difference .....	<u>\$22,676 02</u>

G. The Bonds redeemed from Sinking Fund, being credited in account for their face, the discount is a proper debit.

H. Is the corrected amount of Vouchers destroyed.

I. Taken from the Governors' and Controllers' receipts on file.

J. Is the amount of Vouchers on file with Committee, of this description.

K. These receipts are on file for the full amount entered.

L. Explains itself.

M. Loss on gold dust, taken by county and paid to State Treasurer, at seven-  
teen dollars and twenty-five cents per ounce, as allowed by law. Mint  
Certificates on file prove the loss.

N. Interest matured at time of redemption.

O. “ “ “ “

P. “ “ “ “

Q. Credited as per instructions.

R. In February, 1855, the State Treasurer drew upon all the County Treasurers for the moneys then in their hands to the credit of the State—said drafts indorsed by Controller. Those upon the Treasurers of Placer and Tuolumne Counties were sent through Adams & Co. for collection. The money was paid them, but before it reached the Treasury, Adams & Co. suspended. At the regular settlement of the County Treasurers with the Controller, he ordered the State Treasurer to credit them with the amount thus forwarded, and as I have entered it among the amounts charged in Item B, the credit is a necessary offset.

S. Appendix No. 3 contains a copy of the order upon which this amount was paid—

Amount sent by Major Roman's orders .....	\$227,300 33
"        "    Dr. McMeans'    "    .....	371,707 67
	<hr/>
	\$599,008 00

T. Appendix No. 4 contains a copy of the two papers on file relating to this. The entry is made on the Cash Book, January 2, 1856.

This report embraces all the items mentioned in your instructions "to give a full and complete exhibit of the books and accounts, their condition, and to report all errors and inaccuracies, with a full and detailed account current."

For the reasons hereinbefore mentioned, it is an impossibility to dissect and arrange the various payments in methodical order for entry upon a Ledger, in less than two or three months, and to write up all the books necessary to be kept, but omitted, will occupy the time of any competent person six months. I have entered herein everything, except the War Indebtedness, that pertains to the office. If additional vouchers of disbursements exist, they are not to be found on searching and rigid examination of the books and papers of the office.

As the deficit reported could only be affected in the account rendered, by your disapproval of the method of ascertaining the receipts on account of water-lots, your attention is directed to it.

All of which is respectfully submitted.

N. A. H. BALL.

## APPENDIX.

[No. 1.]

COPY OF ACCOUNT CURRENT WITH PALMER, COOK & CO., AS PER ACCOUNT RENDERED BY THEM, DATED OCT. 30, 1854.

*Messrs. Palmer, Cook & Co. in Account Current with State of California.*

Dr.

1851, Oct. 30.	To cash of Major Roman.....	\$9,000 00
1852, May 3.	"                                    .....	12,800 00
"    Oct. 14.	"                                    .....	34,500 00
1853, April 2.	"                                    .....	26,250 00
"    "    27.	"                                    .....	20,000 00
"    Oct. 29.	"                                    .....	\$63,750 00
	Less amount transferred to R. Roman's credit	2,000 00
		<hr/>
		61,750 00



March 31.]

689

1854, Jan. 5.	To cash of Dr. McMeans.....	\$58,835 00
" Oct. 31.	" " ".....	3,919 87
		<hr/> \$227,054 87

CR.

1853, Jan. 17.	By R. Roman's receipt for Coupons....	\$175 46
" " "	" " ".....	6,994 80
" " "	" " ".....	16,012 12
		<hr/> 23,182 38
1854, Sept. 14.	By Dr. McMeans' receipt for Coupons..	5,452 53
" " "	" " ".....	77,366 04
" " "	" " ".....	3,150 00
		<hr/> 85,968 57
Oct. 30.	" " ".....	57,446 04
" " "	" " ".....	58,992 66
" " "	" " ".....	1,465 22
		<hr/> 117,903 92
		<hr/> \$227,054 87

STATEMENT OF THEIR ACCOUNT AT THIS TIME, AS PER CASH BOOK AND LETTERS ON FILE. NO OPEN ACCOUNT CAN BE FOUND.

*Messrs. Palmer, Cook & Co. in Account with the State of California.*

DR.

1854, Oct. 26.	To cash of Dr. McMeans.....	\$58,000 00
1855, Jan. 17.	" " " to pay Bonds and interest	110,300 00
" Feb. 5.	" " ".....	45,000 00
" March 20.	" " ".....	9,652 80
" Oct. 20.	" " ".....	86,000 00
		<hr/> \$308,952 80

CR.

1855, April 2.	By account on file of this date—	
	1 Coupon.....	\$13 41
	962 ".....	16,835 00
	933 ".....	32,655 00
		<hr/> \$49,503 41
" Dec. 31.	By 215 Civil Bonds, burned by Governor and Controller—not entered on the Redemption Register—Bonds paid in New York.	107,500 00
	By balance for which neither Coupons or Vouchers have been returned.....	151,949 39
		<hr/> \$308,952 80

## [No. 2.]

COPY OF MAJ. LOVE'S RECEIPT FOR "TREASURER'S RECEIPTS RETURNED,"  
WITH MR. GIFT'S EXPLANATION OF THEIR NATURE.

Received, Sacramento, March 3, 1855, from S. A. McMeans, Treasurer of State, the following Treasurer's Returned Receipts, for State Property:

S. C. Hastings.....	\$433 50
Wm. H. White.....	5 07
W. H. Middleton.....	1,000 00
Selover & Sinton.....	2,503 40
".....	2,748 00
Palmer, Cook & Co.....	23,000 00
	<hr/>
	\$29,689 97

In the aggregate, \$29,689 97, which I promise to return whenever required.

(Signed)

JOHN S. LOVE,

California Land Commissioner."

"Major Love will remember that he obtained from Dr. McMeans, through me, certain returned certificates or receipts, signed by Major Roman and Dr. McMeans, for money paid on account of State Property. These receipts were receipted for by Dr. McMeans, in the same manner as if they had been cash, and the *second* receipt, in the hands of a second or third party, went to the Land Commission, and deeds were issued upon the same. Consequently you will easily perceive that these receipts are charged to Dr. McMeans *twice*. Major Love should return these receipts and credit Dr. McM. with the amount.

(Signed)

GEORGE W. GIFT.

SACRAMENTO, Dec. 27, 1855."

## [No. 3.]

COPY OF THE TREASURER'S VOUCHER FOR PAYMENT OF EXCHANGE TO  
PALMER, COOK & CO.

"*State of California to Palmer, Cook & Co.,*

Dr.

For three per cent. Exchange on \$6,993 80, Coupons paid in New York, from Jan. 1 to Dec. 31, 1852.....	\$209 81
For three per cent. Exchange on \$44,184 89, Coupons paid in New York, from Jan. 1 to Dec. 31, 1853.....	1,325 55
For three per cent. Exchange on \$160,451 68, Coupons paid in New York, from Jan. 1 to Dec. 31, 1854.....	4,813 55
For three per cent. Exchange on \$102,378 22, Coupons paid in New York, from Jan. 1 to Oct. 30, 1855.....	3,071 35
For three per cent. Exchange on \$109,000, Bonds due March 1, 1855, and redeemed in New York.....	3,270 00
For three per cent. Exchange on \$86,000, remitted to New York to pay interest due, Jan. 1, 1856.....	2,580 00
	<hr/>
	\$15,270 26

March 31.]

691

I certify the above amount to be just and true,  
(Signed)

S. A. McMEANS,  
State Treasurer."

"STATE TREASURER'S OFFICE,  
Sacramento, December 13, 1855. }

Pay the above amount to Palmer, Cook & Co.  
(Signed)

SAM BELL,  
Controller of State."

[No. 4.]

COPY OF DR. McMEANS' RECEIPT TO SELOVER & SINTON.

*"This Receipt to be Returned on Delivery of Deeds."*

No.

SAN FRANCISCO, Oct. 30th, 1854.

Received of Selover & Sinton \$31,300, on account of the interest of the State of California in Water Property, sold on the 26th day of October, 1854, under the provisions of an Act of the Legislature, approved May 18th, 1853, which amount has been paid in the following described funds, to wit:

Seven per cent. Bonds.....  
Interest thereon.....  
Temporary State Loan Bonds.....  
Interest thereon.....  
Controllers' Warrants, \$31,300.....  
Cash .....

\$31,300

Lots, Nos.....  
.....

(Signed)

S. A. McMEANS,  
State Treasurer."

COPY OF SELOVER & SINTON'S RECEIPT TO DR. McMEANS.

"SAN FRANCISCO, Dec. 29th, 1855.

S. A. McMeans, Treasurer of State, has this day returned to us the sum of \$31,300, being balance in full due us upon final settlement of moneys received by us for Water Lot Property, sold during the year 1854 and January, 1855, said sum having been overpaid said McMeans by us.

(Signed)

SELOVER & SINTON."

[No. 5.]

TRANSCRIPT OF OPEN ACCOUNT WITH PALMER, COOK &amp; CO., ON THE TWO LEDGERS OF THE BOARD OF LAND COMMISSIONERS.

Dr.

*Palmer, Cook & Co.*

Cr.

1853.

December 28, To purchase of Lot No. 22.....	\$7,750 00	1853.	December 31, By am't paid to Treasurer, per receipt	\$25,748 00
" " " 23.....	8,000 00		" " in warrants, "	5,127 00
" " " 24.....	13,750 00			
" " " 34.....	1,375 00			
	<u>\$30,875 00</u>			<u>\$30,875 00</u>

The above lots deeded to J. C. Palmer.

1854.

March 9, To purchase of Lot No. 12.....	\$2,800 00	1854.	March 29, By amount paid on this purchase.....	\$7,349 53
" " " 13.....	2,000 00			
" " " 14.....	2,200 00			
10 " " 25.....	6,500 00			
" " " 26.....	3,700 00			
" " " 27.....	3,800 00			



CR.

1853.			
December 28, To purchase of Lot No. 22.....	\$7,750	December 28, By amount paid State Treasurer.....	\$2,748
" " " " 23.....	8,000	" " " " ".....	23,000
" " " " 24.....	13,750	" " " " ".....	5,127
" " " " 34.....	1,375		
	<u>\$30,875</u>		<u>\$30,875</u>

1854.		1854.	
March 9, To purchase of Lot No. 12.	By amount paid State Treasurer.		
" " 13.....	" " ".....	\$2,800	2,000
" " 14.....	" " ".....	2,200	2,000
10, " 25.....	" " ".....	6,500	6,500
" " 26.....	" " ".....	3,700	3,700
" " 27.....	" " ".....	3,800	3,800
June 6, " 15.....	" " ".....	1,500	1,500
" " 16.....	" " ".....	2,250	2,250
" " 1.....	" " ".....	5,000	5,000
" " 2.....	" " ".....	2,000	2,000
" " 3.....	" " ".....	2,250	2,250
" " 7.....	" " ".....	5,100	5,100
" " 8.....	" " ".....	2,250	2,250
" " 9.....	" " ".....	2,800	2,800
" " 12.....	" " ".....	1,600	1,600
" " 13.....	" " ".....	3,250	3,250
" " 14.....	" " ".....	2,300	2,300
\$51,300		\$51,300	

[No. 6.]

SACRAMENTO, February 12, 1856.

Hon. T. J. OXLEY, W. H. TAYLOR, and Others,  
Special Committee, etc.:

GENTLEMEN :

Since seeing Drs. Oxley and Taylor last evening, in relation to the returned receipt of Messrs. Selover & Sinton for thirty-one thousand three hundred dollars, (\$31, 300,) I have seen Mr. Gift, the gentleman who had charge of my books and vouchers up to June or July, 1855. The State Auctioneers, during the water lot sales, received the proceeds directly from the purchasers, taking my receipt for the same when I was present to execute it, or else forwarded it to me from time to time, by mail or express, and received my receipt in return.

As a matter of course, no deed could issue until complete payment had been made, as evidenced by the State Treasurer's receipt.

As in some other cases, so it was in this; the State Auctioneers, as I was informed, became the agents for parties in many instances in forwarding money to the State Treasurer, and procuring deeds from the Commissioners. In carrying out these acts, it became necessary to concentrate several small receipts given to different individuals, at different times, into one, thus aggregating the whole. You will find a case in point by examining one of my vouchers in your possession, in the form of a receipt, executed by John Love, as one of the Board of California Land Commissioners, for certain receipts given by my predecessor, Major Richard Foman, amounting to between twenty and thirty thousand dollars. In this case I preserved the originals, as they were not my own, as a voucher against my own receipt, given in lieu thereof.

You can therefore readily perceive how it is that the voucher in question has no corresponding single entry on the books of the office, in date and amount. They are all there, but appear in different entries, and under different dates.

I have the honor to be,

Respectfully,

Your Obedient Servant.

S. A. McMEANS.

[No. 7.]

*To the Chairman of the Select Committee, etc.:*

The affidavit of S. A. McMeans, who, having first been duly sworn, deposes and says: That the order addressed to the Treasurer of State by Sam. Bell, Controller of State, and dated \_\_\_\_\_ for fifteen thousand and \_\_\_\_\_ dollars, authorizing said Treasurer of State to pay said amount to Palmer, Cook & Co. for Exchange paid by them in the settlement of Bonds and Coupons of the State; that the said order was executed at San Francisco, where he could not procure a blank warrant; and after settlement made of the parties aforesaid, return was made of the said order to Sam. Bell, who, after some reflection, returned it to affiant, saying that the order was sufficient and as good as a printed warrant, or in words to that effect.

S. A. McMEANS,  
Late State Treasurer.

Subscribed and sworn to before me this 32d day of March, 1856.

[L. s.]

W. W. PRICE,  
Notary Public.

[No. 8.]

*To the Chairman of the Select Committee :*

Sir :—The receipt executed by John S. Love, one of the late Board of California Land Commissioners, which was given for certain vouchers borrowed from me by said Love, for the use and information of the said Board, to be returned when called for, amounting, in the aggregate, to about \$29,000, was retained by me and placed before your Committee, for the reason that I could not procure, after frequent endeavors to do so, the return of said vouchers as mentioned in that receipt.

S. A. McMEANS,  
Late State Treasurer.

The foregoing statement was subscribed and sworn to before me this 23d day of March, 1856.

[L. s.]

WM. W. PRICE,  
Notary Public.

Mr. McCallum moved that two hundred and forty copies of the report be printed.

Lost.

Mr. Scellen moved that four hundred and eighty copies be printed.

Carried.

On motion of Mr. Ferguson, leave of absence for one day was granted to Mr. Cosby.

On motion of Mr. Flint, leave of absence for one day was granted to Mr. Fiske.

The following message was received from his Excellency, the Governor :

EXECUTIVE DEPARTMENT, }  
Sacramento, March 29, 1856. }

*To the Honorable the Senate of the State of California :*

I have this day approved the following Bills originating in the Senate :

An Act entitled An Act to Fund the Debt of Sierra County, and to provide for the Payment of the same; also,

An Act to establish Pilots and Pilot Regulations for the Port and Harbor of Benicia and Mare Island; also,

An Act to increase the Number of Fire Companies in the City of Marysville; and,

An Act fixing the Times for holding the Court of Sessions, County Court and the Probate Court, in and for the County of Solano.

Respectfully, your obedient servant,

J. NEELY JOHNSON.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
March 29, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly, on this day, concurred in Senate Resolution relative to the War Debt of this State; and, on yesterday, passed the following Concurrent Resolution relative to the U. S. Mail Route between New Orleans and San Francisco.

Respectfully submitted,

ALEX. M. HAYDEN,  
Assistant Clerk of Assembly.

The following Joint Resolutions accompanied the message :

*WHEREAS*, There having constantly occurred, during the past year, failures of the Mails between the Cities of New Orleans and San Francisco; *and, whereas*, the frequency of these failures leads this Legislature to believe that there must exist some radical defect in the arrangement now existing for conveying the Mails, and that some change is absolutely necessary in order to secure the advantages originally designed by the establishment of the Mail Route between the cities above-named. Therefore,

*Resolved*, by the Senate, the Assembly concurring, that our Senator be instructed, and our Representatives in Congress requested, to urge upon the Postmaster-General of the United States, the necessity for making some change in the arrangement for the transmission of the Mails between New Orleans and San Francisco, in order to secure something like regularity and certainty in the same.

*Resolved*, further, That His Excellency the Governor be requested to transmit a copy of these resolutions to our Senator and each of our Representatives in Congress.

On motion, the Resolutions were concurred in.

Mr. Rust introduced the following Joint Resolution :

*WHEREAS*, the distance of California from the Seat of the General Government, and the great centers of population and commerce of the Confederacy and its isolated and undefended position as a member of the Union, separated from the other States by vast tracts of two oceans on the one hand, and on the other by the broad territories which are the property of the United States, make it indispensable to the growth, prosperity and security of this State and to the Union, the justice, the common defense and the general welfare in view whereof the Constitution of the United States was ordained and established, that a means of communication overland should be provided between this and the other States of the Union by the construction of mail routes and good roads, protected by military stations and supplied with water, whereby our population may be increased, our resources developed and California made capable of protecting itself in the event of war; *and whereas*, it is essential to the permanency of this Union, that the various States of which it is composed should share equally the advantages and bear each one its due proportion of the obligations and



burdens of the federal compact; *and, whereas*, California being one of these United States, and the Federal Government the owner of all the public lands within its limits and of the territory which separates it from the other States, and the recipient of all the revenues collected at its ports, is deprived of the political power and of the material resources, whereby it might otherwise provide for itself access to the Atlantic sea-board and avail itself of its splendid commercial position, and the inestimable advantages of its soil and climate, and for these reasons it is the more necessary and proper the Federal Government should use the powers with which it is invested by the Constitution and the sources of wealth at its command to overcome those disadvantages of distance and isolation and to strengthen the political bonds which hold the States together in Union; *and, whereas*, although the objects and purposes for which the Union of these States was established can never be fully and effectually secured to California without the facility of communication afforded by one or more railroads across the continent, yet material and immediate advantage may be derived from the establishment of mail routes, and the construction and defense of good wagon roads across the territory of the United States which separates California from the other States, and along the line best adapted to the wants of immigrants. Therefore, be it

*Resolved*, By the Senate, and Assembly concurring, that our Senators and Representatives in Congress, be requested to urge upon Congress the passage of a law establishing such a mail route, and providing the means for constructing and defending such a road.

On motion, the preamble and resolution were referred to the Committee on Federal Relations.

Mr. Rust asked leave to withdraw the same.

On motion, the Senate refused to permit the preamble and resolution to be withdrawn.

Mr. Burnett presented the following report:

*Mr. President:*

The majority of the Committee on Public Printing, to whom was referred a Bill for An Act to abolish the office of State Printer and to provide for the Public Printing, respectfully report the same back and recommend its indefinite postponement, and the adoption of the accompanying substitute.

W. C. BURNETT,  
HEINTZELMAN,  
W. J. SHAW.

On motion of Mr. McCoun, the Bills were taken up and considered.

After some time so spent, on motion of Mr. French, they were made the Special Order for Wednesday next, at 12 o'clock, M.

The hour for the consideration of the Special Order having arrived, the Senate, as in Committee of the Whole, took up, considered and amended Senate Bill No. 128, An Act to provide for the construction of the State Capitol in the City of Sacramento.

After some time so spent, the Bill was reported back to the Senate.

On motion of Mr. Burton, the amendments made in Committee of the Whole, were concurred in.

Mr Ashley offered the following amendment, to come in at the end of the eighth Section: "And all contracts shall include this last prohibition."

Adopted.

On motion of Mr. Day, the amendment was amended by inserting the words, "And advertise for further proposals."

Mr. Dosh offered the following amendment, as Section sixteen to the bill:

SECTION 19. For the purpose of submitting to a vote of the people of this State, in accordance with Article eight of the Constitution, the appropriation authorized by this Act, the Governor of the State is hereby required to give public notice of the same, as required by the Constitution, three months previous to the general annual election to be holden in the year 1856; which notice shall invite the legal voters of the State, to cast ballots at that election with the words printed or written thereon, either "State Capitol Yes," or "State Capitol No"—according to their choice; said ballots shall be deposited, counted and returned, as provided for by law in relation to elections, and if a majority of said ballots so returned shall be "State Capitol Yes," then and in that case, this Act shall have the validity of a law, and the appropriation above-named shall be made and expended in the manner provided in this Act; but if a majority of the ballots so cast, shall be "State Capitol No," then and in that case, the appropriations above-named shall not be made, and this Act shall be null and void.

On the question of adopting the amendment, the ayes and noes were demanded by Messrs. Norman, Shaw and Scellen, with the following result:

AYES.

Messrs. Burton, Crandall, De La Guerra, Dosh, Mandeville, McNeill, Norman, Shaw and Tilford—9.

NOES.

Messrs. Ashley, Burnett, Bynum, Ferguson, French, Gove, Hawks, Hawthorne, Hook, McCallum, McCoun, McGee, Rust, Scellen, Waite and Westmoreland—16.

So the amendment was rejected.

Mr. De la Guerra offered the following amendment:

If at any time within thirty years this State shall be divided, and a State or Territory be formed of the southern part, then such new State or Territory shall not be bound for the payment of the bonds issued under this Act.

On the question of adopting the amendment offered by Mr. De la Guerra, the ayes and noes were demanded by Messrs. De la Guerra, Ashley and McNeill, with the following result:

AYES.

Messrs. Ashley, Coffroth, Crandall, Day, De la Guerra, Flint, McNeill, Norman, Shaw and Tilford—10.

NOES.

Messrs. Burnett, Burton, Bynum, Dosh, Ferguson, French, Gove, Hawks, Hawthorne, Hook, Lippincott, Mandeville, McCallum, McCoun, McGee, Rust, Scellen, Waite and Westmoreland—19.

So the amendment was rejected.

Mr. Gove moved that the Bill be considered engrossed and read a third time, upon which the ayes and noes were demanded by Messrs. De la Guerra, Norman and Shaw, with the following result :

AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Day, Dosh, Ferguson, Flint, French, Gove, Hawks, Hawthorne, Heintzelman, Lippincott, McCallum, McCoun, McGee, Rust, Tilford, Waite and Westmoreland—22.

NOES.

Messrs. Crandall, De la Guerra, Hook, Mandeville, McNeill, Norman, Scellen and Shaw—8.

So the motion prevailed.

The Bill was read a third time, and on its final passage the ayes and noes were demanded by Messrs. Norman, Crandall and Shaw with the following result :

AYES.

Messrs. Ashley, Burnett, Bynum, Coffroth, Day, Dosh, Ferguson, Flint, French, Gove, Hawks, Hawthorne, Hook, Lippincott, Mandeville, McCallum, McCoun, McGee, Rust, Scellen, Tilford, Waite and Westmoreland—23.

NOES.

Messrs. Burton, Crandall, De la Guerra, Heintzelman, McNeill, Norman and Shaw—7.

So the Bill was passed.

Mr. Mandeville gave notice that he would, on to-morrow, move a reconsideration of the vote just taken.

Mr. French moved to reconsider the vote now.

The Chair, (Mr. Coffroth) decided the motion of Mr. French out of order, inasmuch as notice had been given of intention to reconsider to-morrow.

Mr. Ashley appealed from the decision of the Chair.

The question being "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded by Messrs. French, Ashley and Burton, with the following result:

AYES.

Messrs. Day, Heintzelman, Lippincott and Mandeville—4.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Dosh, Ferguson, Flint, French, Gove, Hawks, Hawthorne, McCallum, McGee, McNeill, Rust, Scellen, Shaw, Tilford and Waite—19.

So the decision of the Chair was overruled.

Mr. Shaw moved to indefinitely postpone the motion to reconsider.

Lost.

The question recurring on the motion to reconsider, it was lost.

Mr. Burton presented the following report:

*Mr. President:*

Your committee to whom was referred the communication of S. A. McMeans, late State Treasurer, report the same back to the Senate.

Your committee regard the communication as a very extraordinary document, and calculated to cast a suspicion upon the accounts of the late State Treasurer, that a thorough examination of the books may prove unfounded.

Your committee are not disposed to censure Dr. McMeans for the course he has seen fit to pursue, in addressing his communication to the Senate and not to the Joint Committee; but will say that, in the opinion of your committee, it would have been in better taste for the Doctor to have first intimated to the committee that he had doubts as to the competency of Mr. Ball, (the gentleman employed by the committee as Clerk,) before making his sweeping assertion that Mr. Ball was "entirely ignorant of the nature of the laws governing said office, and of the peculiar transactions relative thereto, and incompetent to do him or the State justice."

Your committee will state that Mr. Ball was recommended to them by some of the best and most influential citizens of Sacramento as a man pre-eminently qualified to perform the duties of an accountant; and your committee feel safe in saying that, in their judgment, Mr. Ball is a gentleman of the highest integrity of character, which reputation he justly enjoys in this community.

Your committee are of opinion that, had Dr. McMeans employed clerks of equal ability to Mr. Ball, there would now be no need of the services of the last named gentleman, and the late Treasurer's books would bear the closest scrutiny.

We concur in the opinion that a commission should be established to complete the books, and make a full and final settlement of the accounts of the Treasurer.

The power of your present committee is simply to report upon the apparent state of those accounts, and not to write up the work in arrears.



The proposal to make the Commission consist of the Secretary of State, Controller and Treasurer, we deem unadvised, for the reason that those officers have multifarious duties in their own offices, and cannot probably devote sufficient personal attention to the subject.

We recommend that Mr. Ball be appointed Commissioner to settle the books of the late Treasurer and Controller, and report the result of his investigations to the Governor, that it may form a part of his next Annual Message.

Your committee have desired, in the discharge of their duties, to do exact justice, and regret as deeply as any, that the result of their investigations, so far, is somewhat unsatisfactory to the friends of the late Treasurer; and we express the sincere hope that, if the accounts are settled by a Commission, the vouchers and proofs needful for a complete and satisfactory balance of the accounts will be supplied, and the Treasurer be entirely exonerated.

D. R. ASHLEY,  
E. F. BURTON.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly on Saturday, 29th inst., appointed Messrs. Taliaferro, Stout and Lippincott, as Committee of Conference on the part of the House, relative to certain amendments made by the Assembly to Senate Bill No. 58, An Act making Appropriations to meet Deficiencies in Appropriations made to defray the Civil Expenses of Government from 1st day of February, 1855, until the 1st day of February, 1856, in which the Senate had refused to concur.

Respectfully submitted,

ALEX. M. HAYDEN,  
Ass't Clerk of Assembly.

On motion of Mr. McCoun, the Senate concurred in Assembly Message.

The Chair appointed on the committee on the part of the Senate, Messrs. Ferguson, Rust and McCoun.

Mr. Ashley moved to take up Assembly Bill No. 263, in relation to deficiencies in appropriations for the State Prison.

Lost.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
March 31st, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly this day amended and passed Senate Bill No. 73; also, amended the title of said Bill, so as to read as follows: "An Act to provide for the Appointment of a Reporter of the Supreme Court and to Define his Duties and Compensation;" and passed

Assembly Bill No. 222, entitled An Act to re-incorporate the City of Sonora.

Respectfully submitted,

ALEX. M. HAYDEN,  
Ass't Clerk of Assembly.

Assembly Bill No. 222 was read a first and second times and referred to the Tuolumne Delegation.

Senate Bill No. 73, An Act to provide for the Appointment of a Reporter of the Supreme Court and to Define his Duties and Compensation, was taken up.

The question arose on concurring in the first amendment proposed by the Assembly.

Mr. Ashley proposed to amend the Assembly amendment.

The Chair (Mr. Coffroth) decided the amendment in order.

Mr. Rust appealed from the decision of the Chair.

And the question being—"Shall the decision of the Chair stand as the judgment of the Senate?" it was decided in the affirmative, and the decision of the Chair was sustained.

Mr. Ashley moved to strike out the word "Governor" in the first section, and insert the words "the Supreme Court."

The ayes and noes were demanded by Messrs. Ashley, Hawthorne and Ferguson, with the following result:

AYES.

Messrs. Ashley Burton, Crandall, Day, Mandeville, McNeill, Norman, Shaw, Tilford and Waite—10.

NOES.

Messrs. Burnett, Bynum, Coffroth, Dosh, Ferguson, Flint, French, Gove, Hawks, Hawthorne, McCallum, McCoun and Rust—13.

So the motion was lost.

On the question of concurring in the first Assembly amendment, the ayes and noes were demanded by Messrs. Hawks, Ferguson and McCoun, with the following result:

AYES.

Messrs. Burnett, Bynum, Coffroth, Ferguson, Flint, Hawks, Hawthorne, McCallum, McCoun, Rust and Westmoreland—11.

NOES.

Messrs. Ashley, Burton, Crandall, Day, Dosh, French, Gove, Lippincott, Mandeville, McNeill, Norman, Shaw, Tilford and Waite—14.

So the motion was lost.

On motion, the second Assembly amendment was concurred in.

Mr. Bynum moved to lay the bill on the table.

Lost.

Amendments to Sections 2d, 3d, 8th, 10th, 13th and 14th, were, on respective motions, concurred in.

Mr. Burton moved to reconsider the vote by which the Senate refused to concur in the first amendment.

Mr. Shaw moved to indefinitely postpone the motion to reconsider.

Lost.

On the question of reconsidering, the ayes and noes were demanded by Messrs. Heintzelman, Rust and McNeill, with the following result :

AYES.

Messrs. Burnett, Burton, Bynum, Coffroth, Ferguson, Gove, Hawks, Hawthorne, McCallum, McCoun, McGee, McNeill, Rust and Scellen—14.

NOES.

Messrs. Ashley, Crandall, De la Guerra, Dosh, French, Heintzelman, Lippincott, Mandeville, Norman, Shaw and Waite—11.

So the motion prevailed.

The question then recurred on concurring in the first amendment.

Mr. Heintzelman moved to lay the Bill on the table.

Lost.

Mr. Hawks demanded the previous question.

Not sustained.

Mr. Mandeville moved to indefinitely postpone the amendment.

Mr. Hawks again demanded the previous question.

Not sustained.

Mr. Bynum moved a call of the Senate, upon which the ayes and noes were demanded by Messrs. De la Guerra, Norman and Heintzelman, with the following result:

AYES.

Messrs. Ashley, Crandall, De la Guerra, Dosh, French, Gove, Heintzelman, Hook, Mandeville, McNeill, Norman and Shaw—13.

## NOES.

Messrs. Burnett, Burton, Bynum, Coffroth, Ferguson, Flint, Hawks, Hawthorne, McCallum, McCoun, McGee, Rust, Scellen and Waite—14.

So the motion was lost.

Mr. Rust moved to lay the Bill on the table.

Lost.

Mr. Shaw moved to refer the Bill to the Committee on Claims, with instructions.

Ruled out of order by the Chair.

Mr. Hawks moved to adjourn.

Lost.

Mr. Mandeville moved to indefinitely postpone the Bill, upon which the ayes and noes were demanded by Messrs. Hawks, Norman and Rust, with the following result :

## AYES.

Messrs. Ashley, Burton, Crandall, De la Guerra, Dosh, French, Heintzelman, Hook, Mandeville, McNeill, Norman, Shaw and Waite—13.

## NOES.

Messrs. Burnett, Rynum, Coffroth, Ferguson, Flint, Gove, Hawks, Hawthorne, Lippincott, McCallum, McCoun, McGee, Rust and Scellen—14.

So the motion was lost.

Mr. Norman moved to adjourn.

On motion, the bill under discussion, was laid on the table.

Mr. Coffroth moved to reconsider the vote by which Senate Bill No. 142, To Exempt Mining Claims and Implements from Forced Sales, was passed.

Carried.

Mr. Coffroth moved to recommit the bill to a special committee of three, with the following instructions :

Insert, "filed in the office of the County Clerk."

Strike out, "recorded in the office of any Justice of the Peace of the township in which he resides, and the Justice of the Peace," etc., down to "but."

Upon which the ayes and noes were demanded by Messrs. Coffroth, Burton and McGee, with the following result :

## AYES.

Messrs. Burnett, Burton, Bynum, Coffroth, Crandall, Ferguson, Flint, Hawks, Hawthorne, McCallum, Rust and Waite—12.



NOES.

Messrs. Dosh, French, Gove, Heintzelman, Lippincott, Mandeville, McGee, McNeill, Shaw and Tilford—11.

So the bill was recommitted with the instructions proposed.

On motion of Mr. Coffroth, the Senate adjourned.

---

IN SENATE.

TUESDAY, April 1, 1856.

Senate met pursuant to adjournment.

Mr. Ashley, President *pro tem.* in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of yesterday read and approved.

Mr. Burton presented the following report:

*Mr. President :*

The Enrolling Committee on yesterday presented to the Governor the following bills:

An Act amendatory of an Act to provide for the Incorporation of Wagon Roads; and

An Act to amend an Act entitled An Act to Regulate Fees of Office.

E. F. BURTON.

Mr. Hawthorne presented the following report:

*Mr. President :*

The Committee on Claims have had under consideration a bill for the relief of Cyrus Rowe and his sureties. The facts before the Committee are of such a character as to warrant us in the belief that this is a meritorious case, and we would therefore report the bill back to the Senate and recommend its passage.

J. C. HAWTHORNE.

The bill was placed on the Calendar.

Mr. Bynum presented the following report :

*Mr. President :*

Your Committee on Education have had under consideration Senate Bill, No. 161, entitled An Act to amend an Act entitled "An Act to establish, support and regulate Common Schools, and to repeal former Acts concerning the same, approved May 3, 1855 ;" and report the same back with a substitute therefor, and respectfully recommend the indefinite postponement of the original Act, and the immediate adoption and passage of the Substitute.

S. BYNUM,  
Chairman.

The Bill and Substitute were placed on file.

Mr. Scellen presented the following report :

*Mr. President :*

The Committee on Counties and County Boundaries, to whom was referred Assembly Bill, No. 60, An Act to create the County of Tehama, to define its boundaries and provide for its organization, have had the same under consideration, and would beg leave to report the same back and recommend its passage.

JOHN D. SCELEN,  
Chairman.

On motion of Mr. Dosh, the rules were suspended, the Bill taken up, read a third time and passed.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills have examined Senate Bill, No. 128, An Act to provide for the construction of the State Capitol in the City of Sacramento, and find the same correctly engrossed.

McCALLUM,  
Chairman.

Mr. Ashley, from the Committee on Public Lands, reported back Assembly Joint Resolutions, in reference to the Board of United States Land Commissioners, with an amendment.

On motion, the rules were suspended and the resolutions considered.

On motion, the amendment was concurred in.

Mr. De La Guerra moved to indefinitely postpone the resolutions.

The ayes and noes were demanded by Messrs. De La Guerra, French and Rust, with the following result :

AYES.

Messrs. Burton, Coffroth, Cosby, Crandall, Day, De La Guerra, Dosh, Fiske, Flint, French, Hook, Lippincott, McNeill, Rust, Tilford, Waite and Wilson—17.

NOES.

Messrs. Ashley, Burnett, Bynum, Gove, Hawks, Heintzelman, McCallum, McCoun, Scellen and Shaw—10.

So the motion prevailed, and the resolutions were indefinitely postponed.

Mr. Coffroth, from the Special Committee on the late State Land Sales, reported to the Senate the records of the Superior Court of San Francisco, which were placed in the archives of the Senate.

Mr. Coffroth presented the following report :

*Mr. President :*

The Special Committee to whom was referred An Act to exempt Mining Claims and Mining Implements from forced sale in certain cases, with special instructions to insert the words "filed in the office of the County Clerk," in section 3, report the same back with the amendment inserted.

J. W. COFFROTH,  
J. C. HAWTHORNE.

The report of the Committee was concurred in, the bill was read a third time and passed.

Mr. French presented the weekly postage account of the Sacramento Postmaster.

Referred to the Committee on Contingent Expenses.

Mr. McCallum presented the following report :

*Mr. President :*

Your Committee on Federal Relations, to whom was referred certain preambles and resolutions relative to the construction of a Wagon Road, the establishment of Military Posts upon the same, and a Mail Route on such road from the Mississippi Valley to this State, have had the same under consideration and report as follows :

For the reasons mentioned in said preambles, and also for many other reasons, which it is unnecessary to include in this report, your Committee recommend immediate action upon the same, and they be adopted.

McCALLUM.

Pending the consideration of the report presented by Mr. McCallum, on motion of Mr. Burton, the Judiciary Committee was instructed to report back to the Senate by Thursday next the proposed Constitutional amendments.

The Joint Resolutions reported back by the Committee on Federal Relations being under consideration, Mr. Burton moved to strike out the preamble to the resolutions.

Lost.

Mr. Burton moved to indefinitely postpone the resolutions.

Lost.

On motion the resolutions were then concurred in.

The hour for the consideration of the special order having arrived, the Senate took up Senate Substitute for Assembly Bill No. 6.

On motion of Mr. Lippincott, the Bill was made the special order for Friday next, at 12, M.

The second special order was then taken up, being Assembly Bill No. 93, An Act to amend an Act entitled "An Act to provide Revenue for the support of the Government of this State," passed May 15th, 1854, and to amend the several acts amendatory thereto.

Mr. French moved to indefinitely postpone the Bill.

Lost.

Mr. Lippincott moved that the usual number of copies of the Bill be ordered printed, and that it be made the special order for Saturday next, at 12 o'clock, M.

Agreed to.

Mr. Rust presented the following report :

*Mr. President :*

The Joint Committee of the two Houses to whom was referred the General Deficiency Bill, have had the same under consideration, and beg leave to make the following report :

1st. The Committee recommend that the appropriation of \$5,000 for the expenses of the Survey of the Emigrant Wagon Road be stricken out ; and

That Assembly amendment providing for the payment of two hundred and thirty-five dollars for the water in and around the Capitol, to be so amended as to read "Two hundred dollars" for eight months water up to the 1st day of February, A. D. 1856.

With the foregoing amendments the Committee beg leave to report the Bill back to the Senate, and recommend its passage as amended by the Assembly.

McCOUN.

Mr. Mandeville moved to recommit the Bill, with special instructions, upon which the ayes and noes were demanded by Messrs. French, Coffroth and Rust, with the following result :

AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Dosh, French, Heintzelman, Hook, Mandeville, McCallum, McNeill, Norman and Waite—13.

NOES.

Messrs. Coffroth, De la Guerra, Ferguson, Fiske, Flint, Gove, Hawthorne, Lippincott, McCoun, Rust, Scellen, Tilford, Westmoreland and Wilson—14.



So the motion was lost.

Mr. Coffroth moved to adopt the report of the Committee.

Mr. Norman moved a call of the Senate.

Lost.

On the question of adopting the report of the Committee, the ayes and noes were demanded by Messrs. Coffroth, Burton and French, with the following result :

AYES.

Messrs. Bynum, Coffroth, Dosh, Ferguson, Fiske, Flint, Gove, Hawthorne, Lippincott, Mandeville, McCoun, Rust, Scellen, Tilford, Westmoreland and Wilson—16.

NOES.

Messrs. Ashley, Burnett, Burton, Cosby, French, Heintzelman, Hook, McCallum, McGee, McNeill, Norman and Waite—12.

So the motion prevailed and the report was adopted.

Mr. Burton presented the following report :

*Mr. President :*

The Enrolling Committee have examined a Concurrent Resolution, instructing our Senator and Representatives, in relation to obtaining from the General Government, an appropriation of \$200,675 88, being the surplus of our War Indebtedness, over and above the amount heretofore appropriated, and find the same correctly enrolled.

E. F. BURTON.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
April 1st, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed the following Bills :

Assembly Bill No. 253, An Act for the better protection of the State Treasury ; also,

Bill No. 126, An Act to provide for the salary of the Treasurer of Alameda County ; also,

Bill No. 265, An Act to alter and define the boundary line of Colusi County ; and

Bill No. 154, An Act to repeal the several Acts exempting Firemen from Militia service and Jury duty, so far as the same extend to Solano County.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Bill No. 154, was read a first and second times and referred to Senator Heintzelman.

Assembly Bill No. 253, was read a first and second times and referred to the Committee on Finance.

Assembly Bill No. 126, was read a first and second times and referred to Senator Day.

Assembly Bill No. 265 was read a first and second times.

Mr. Dosh moved that the rules be suspended and the Bill read a third time.

Mr. McGee moved to refer it to the Committee on Counties and County Boundaries.

Mr. Rust moved to amend by referring it to Senators McGee and Rust.

Mr. Scellen moved to amend by adding the name of Senator Dosh.

Mr. Rust withdrew his motion to refer.

Mr. Scellen renewed the motion withdrawn by Mr. Rust.

The question being taken on the motion to refer the bill to the Committee on Counties and County Boundaries, it was lost.

The motion to refer it to Senators McGee, Rust and Dosh, was lost.

Mr. Scellen moved to refer the bill to the Judiciary Committee.

Mr. McCallum moved to reconsider the vote by which the bill was refused to be referred to the Committee on Counties and County Boundaries.

Lost.

Mr. Fiske moved to refer the bill to Senators Dosh and Rust.

Mr. Mandeville demanded the previous question, which was not sustained.

Mr. Mandeville again demanded the previous question, which was sustained.

And the question being, "Shall the main question be now put?" it was carried.

The main question being on the passage of the bill, the ayes and noes were demanded by Messrs. McGee, Rust and French, with the following result:

AYES.

Messrs. Burton, Bynum, Cosby, Crandall, Dosh, Fiske, Flint, French, Gove, Hook, Lippincott, Mandeville, McNeill, Norman, Shaw, Tilford and Wilson—17.

NOES.

Messrs. Burnett, Ferguson, Hawks, Hawthorne, McCoun, McGee, Rust, Scellen and Waite—9.

So the bill was passed.

Mr. Rust rose to a privileged question, and indulged in certain remarks concerning the reference of the bill.

Mr. Burton moved to reconsider the vote by which the bill was passed.

Mr. McGee moved to lay the motion to reconsider on the table.

Carried.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
Sacramento, April 1, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed the following bills :

Bill No. 211, An Act to Fund the Debt of the County of Santa Clara and to provide for the payment of the same ; also,

Bill No. 115, An Act to amend an Act entitled "An Act concerning the Secretary of State," passed May 15th, 1854 ; also,

Bill No. 162, An Act to change the time of holding the Probate Court of Merced County ; also,

Bill No. 198, An Act to amend an Act entitled "An Act to apportion the Senatorial and Assembly Districts of this State," passed May 18th, 1853, and

Bill No. 164, An Act to authorize John M. Sidwell to build a Wharf in Sacramento County.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Bill No. 211, was read a first and second times, and referred to Senator Day.

Assembly Bill No. 115, was read a first and second times and referred to the Judiciary Committee.

Assembly Bill 164, was read a first and second times and referred to the Committee on Public Lands.

Assembly Bill No. 198 was read a first and second times and referred to Senators Norman and Crandall.

Assembly Bill No. 162 was read a first and second times and referred to Senator McNeill.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 1st, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed Assembly Bill No. 2, An Act to repeal the several Charters of the City of San Francisco,

to establish the Boundaries of the City and County of San Francisco, and to Consolidate the Government thereof, with certain amendments, as therein shown.

Respectfully Submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Bill No. 2 was read a first and second times and referred to the San Francisco Delegation.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
Sacramento, April 1st, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly have concurred in the report of the Committee of Conference in relation to Senate Deficiency Bill No. 58.

Respectfully Submitted,

J. M. ANDERSON.  
Clerk of Assembly.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
Sacramento, April 1, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed Assembly Bill No. 163, An Act to exempt Merced County from the provisions of an Act, passed April 4th, 1854, entitled "An Act concerning County Judges."

Bill No. 160, An Act to submit the question of the removal and location of the County Seat of Sutter County to the voters of said county.

Bill No. 161, An Act to amend "An Act concerning Fraudulent Conveyances and Contracts," passed April 19th, 1850.

Bill No. 209, An Act fixing the Time of holding the Courts authorized to be held by the County Judge of Sonoma County.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Bill No. 163 was read a first and second times and referred to Senator McNeill.

Assembly Bill No. 161 was read a first and second times, and,

On motion, the rules were suspended, the Bill read a third time, and passed.

Assembly Bill No. 160 was read a first and second times and referred to the Judiciary Committee.



The following message was received from his Excellency, the Governor :

EXECUTIVE DEPARTMENT,  
Sacramento, April 1, 1856. }

*To the Senate of California :*

An Act to regulate the Fire Department of the City of Sacramento, is herewith returned without approval.

This Act proposes to increase the salary of the Chief Engineer—now six hundred dollars—to two thousand dollars per annum ; also, to give salaries of six hundred dollars per annum to each of the two Assistant Engineers and to the Secretary of the Board of Delegates, who, by existing laws, receive no compensation,—thus increasing the salaries of these five officers of the Fire Department three thousand two hundred dollars per annum.

This is a matter of local importance, and under ordinary circumstances I would have given sanction to the Act, although a knowledge of the financial embarrassments of the City of Sacramento is quite sufficient to satisfy any individual that the municipal expenses can not, with a due regard to the maintenance of her faith and credit, be augmented to any considerable degree, more especially in the salaries paid her public officers. And whilst it would doubtless be an act of justice to the Chief Engineer, that some addition should be made to his salary, so as to render a proper equivalent for his time necessarily devoted to this department, yet it is quite certain that an increase of expenditure, as proposed by this Act, would be beyond the ability of the city to pay at the present time ; and in returning the Act for your further consideration, I am fully satisfied it is but carrying out the wishes of a large portion of the business men, property holders and tax payers of the city, as evidenced by a petition quite numerously signed, which has been presented to me, asking that I should veto the Bill.

This request I can not hesitate to accede to, under an existing state of facts, which afforded no opportunity for an expression of public opinion by a direct vote of the people, or by petition, before final action was taken by the Legislature.

J. NEELY JOHNSON.

Mr. French moved a call of the Senate.

Sustained.

The Roll was called, and Senators Cosby, Ferguson and Hawks were found to be absent without leave.

The Chair stated that inasmuch as His Excellency, the Governor, had returned to the Senate, with his objections, An Act to regulate the Fire Department of the City of Sacramento, the question would be, "Shall the Bill pass by a two-thirds vote, notwithstanding the objections of the Governor?"

The Secretary called the Roll, with the following result :

AYES.

Messrs. Burnett, Burnett, Burton, Bynum, Coffroth, Crandall, Day, De la Guerra, Dosh, Ferguson, Flint, French, Gove, Hawks, Hawthorne, Heintzelman, Hook, Lippincott, Mandeville, McCallum, Rust, Shaw, Tilford and Westmoreland—23.

## NOES.

Messrs. Ashley, Cosby, Fiske, McCoun, McGee, McNeill, Norman, Scellen, Waite and Wilson—10.

A majority of two-thirds of the Senators present having voted for the Bill, it was declared passed, notwithstanding the objections of the Governor.

On motion, the Senate adjourned.

---

IN SENATE.

WEDNESDAY, April 2d, 1856.

Senate met pursuant to adjournment.

Lieutenant-Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of yesterday read and approved.

Mr. Day presented the following report ;

*Mr. President :*

The Select Committee, to whom were referred the Assembly Substitute for Assembly Bill, No. 211, An Act to fund the Debt of the County of Santa Clara, and to provide for the payment of the same, have had the same under consideration, and herewith report it back and recommend its passage.

S. DAY,  
Chairman.

On motion of Mr. Day, the rules were suspended, the bill considered, read a third time and passed.

Mr. Heintzelman reported back Assembly Bill, No. 154, with a recommendation that it be referred to Senator Bynum.

Bill was so referred.

The following message was received from his Excellency the Governor :

EXECUTIVE DEPARTMENT, }  
Sacramento City, April 1, 1856. }

*To the Senate of California :*

I have this day approved the following bills:

An Act amendatory of an Act entitled "An Act to regulate Fees of Office," approved ——— 10th, 1855 ; and

An Act amendatory of an Act entitled "An Act to provide for the Incorporation of Wagon Road Companies," passed April 22d, 1853.

Respectfully, your ob't serv't,

J. NEELY JOHNSON.

The following message was received from his Excellency the Governor :

EXECUTIVE DEPARTMENT, }  
Sacramento City, April 1st, 1856. }

*To the Senate of California :*

Below you will find an extract from a letter to this Department, from Robert K. Reid, M. D., Resident Physician and Superintendent of the Insane Asylum, to which your attention is particularly directed.

Respectfully, your ob't serv't,

J. NEELY JOHNSON.

[EXTRACT.]

"STATE ASYLUM, March 30, 1856.

*J. Neely Johnson, Governor State of California :*

SIR :—I am induced to call your attention and influence to the absolute necessity for an additional wing to the Asylum.

The increase of patients is truly alarming ; no less than eleven were admitted yesterday ; eight from San Francisco and three from El Dorado. On January 1st, there were one hundred and sixty-two patients ; during January twenty new cases were received, in February twenty-four, and in March twenty-six ; seventy in all since January 1st, 1856. \* \* \* \*

(Signed) BOBT. K. REID."

On motion, the message was referred to the Committee on Hospitals.

On motion of Mr. French, Senate Bill, No. 106, the Funding Act, was taken up.

Mr. French moved to re-commit the Bill to a Select Committee of three, with instructions to "strike out of the first section the limitation of the amount to be funded, and to increase the per centage of tax to pay the interest."

Adopted.

The Chair appointed Messrs. French, Day and Ashley said committee.

Mr. Heintzelman moved further to instruct the committee to "amend Section seven of the Bill, so as to provide for the payment of the surplus into the General Fund, after the Treasurer shall have advertised for redemption of said bonds six months."

Lost.

The Bill was then re-committed with instructions proposed by Mr. French.

Mr. Crandall presented a petition from certain Roman Catholic residents of Drytown, Amador County, asking to be remunerated for a certain church destroyed by the mob.

Referred to Committee on Claims.

The hour for the consideration of the Special Order having arrived, the Senate took up, as in Committee of the Whole, Senate Bill No. 89, and Substitute, to abolish the office of State Printer and provide for the Public Printing.

On motion of Mr. McCoun, the Substitute was adopted.

After some time spent in Committee of the Whole, where the Bill was amended, it was reported back to the Senate.

Mr. Coffroth moved to lay the Bill on the table, and make it the Special Order for Saturday next, at 12 o'clock, M.

The yeas and nays were demanded by Messrs. Westmoreland, Ferguson and McCoun, with the following result:

AYES.

Messrs. Bynum, Coffroth, Ferguson, Fiske, Gove, Hawks, Lippincott, McCallum and Westmoreland—9.

NOES.

Messrs. Ashley, Burnett, Burton, Cosby, Day, Dosh, Flint, French, Hawthorne, Heintzelman, Hook, Mandeville, McCoun, McNeill, Norman, Shaw, Tilford, Waite and Wilson—19.

So the motion was lost.

On motion, the amendments made in Committee of the Whole were concurred in.

Mr. Hawthorne moved to strike out the words "one dollar and seventy-five cents," and insert "two dollars," where it occurs in the First Section.

The yeas and noes were demanded by Messrs. McCoun, French and Coffroth, with the following result:

AYES.

Messrs. Burton, Bynum, Coffroth, Day, Dosh, Ferguson, Fiske, Flint, Gove, Hawks, Hawthorne, Lippincott, McCallum, Rust, Waite, Westmoreland and Wilson—18.



NOES.

Messrs. Ashley, Burnett, Cosby, De la Guerra, French, Heintzelman, Hook, Mandeville, McCoun, McNeill, Norman and Tilford—12.

So the motion was carried.

Mr. Fiske offered the following amendment to the Second Section of the Bill :

"This Act shall take effect from and after the expiration of the term of the present incumbent."

The ayes and noes were demanded by Messrs. Shaw, McCoun and Coffroth, with the following result :

AYES.

Messrs. Bynum, Coffroth, Ferguson, Fiske, Lippincott, McCallum, Rust, Scellen and Westmoreland—9.

NOES.

Messrs. Ashley, Burnett, Burton, Cosby, Crandall, Day, De la Guerra, Dosh, Flint, French, Gove, Hawks, Hawthorne, Heintzelman, Hook, Mandeville, McCoun, McGee, McNeill, Norman, Shaw, Tilford, Waite and Wilson—24.

So the motion was lost.

On motion, the Bill was then ordered to be engrossed for a third reading, tomorrow.

Mr. Norman rose to a privileged question, touching certain remarks made on the floor of the Senate by Mr. Flint, some time ago.

Mr. French, from a Select Committee, reported back Senate Funding Bill, No. 106, with amendments, as per instructions.

The Committee amendments, on motion, were concurred in.

The bill was read a third time, when

Mr. Burton moved to re-commit the Bill a second time, with instructions to strike out all after the word "unless," in Section 13.

Carried.

The Bill was, accordingly, a second time re-committed.

After the lapse of a few moments, Mr. French reported the Bill back with the words stricken out, as per instructions.

On motion, the action of the committee was concurred in.

The Bill was then read a third time and passed.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills have examined Senate Bill, No. 142, An Act to exempt mining claims and mining implements from forced sale in certain cases, and find the same correctly engrossed.

McCALLUM,  
Chairman.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 2d, 1856. }

*Mr. President :*

I am directed to inform the Senate, that the Assembly have passed Assembly Bills—

No. 169, An Act for the relief of Jotham S. Marston, late Treasurer of Alameda County ; also,

No. 276, An Act to amend "An Act to regulate the Fees of Office," approved April 10, 1855 ; also,

No. 187, An Act to authorize the Maine Street Wharf Company to build a Wharf in the County of Solano ; and

No. 108, An Act to amend "An Act granting Joseph R. Beals and others the right to construct a Toll-Bridge across the Pajaro River," approved May 14, 1854.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Bill, No. 169, was read a first and second times, and referred to Senator Day.

Assembly Bill, No. 187, was read a first and second times, and referred to the Committee on Commerce and Navigation.

Assembly Bill, No. 108, was read a first and second times, and referred to Senators Day and Ashley.

Assembly Bill, No. 276, was read a first and second times, and referred to the San Francisco Delegation.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 2d, 1856. }

*Mr. President :*

I am directed to inform the Senate, that the Assembly have amended and passed Senate Bill, No. 149, An Act concerning the debt and current expenses of the County of Monterey, and to provide for the funding and payment of the same.

Respectfully submitted,

ALEX. M. HAYDEN,  
Ass't Clerk of Assembly.

Senate Bill No. 149 was taken up, and on motion the Assembly amendments concurred in.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 2, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly have amended and passed Senate Bill No. 129, An Act for Funding the Debt of Contra Costa County, not heretofore funded; and

Passed Senate Bill No. 94, An Act to provide for the payment of Thomas F. W. Price, etc.

Respectfully submitted,

A. M. HAYDEN,  
Ass't Clerk Assembly.

On motion the Assembly amendments made to Senate Bill No. 129, were respectively concurred in.

On motion of Mr. French, Senate Bill No. 107, An Act to amend an Act entitled "An Act concerning the office of Treasurer of State," approved March 16th, 1855, was taken up, considered in Committee of the Whole and amended.

After some time so spent, the committee rose and reported the Bill back to the Senate, where, on motion, it was read a third time and passed.

Mr. McCoun moved to take up Assembly Bill No. 263, appropriating money for the relief of the State Prison.

Mr. Coffroth moved to adjourn.

On the question of taking up the Bill the ayes and noes were demanded by Messrs. French, Coffroth and De la Guerra, with the following result :

#### AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Ferguson, Fiske, Hill, Gove, Hawks, Hawthorne, McCoun, McNeill, Scellen, Shaw and Waite—26.

#### NOES.

Messrs. Coffroth, De la Guerra, Dosh, French, McCallum, McGee, Norman and Wilson—8.

The Chair decided that a two-thirds vote was necessary to take up the Bill, and that the motion was lost.

Leave being granted Mr. McCallum introduced a petition from citizens of El Dorado, in favor of a new county, and a remonstrance from the same against the removal of the County Seat.

Referred to the El Dorado Delegation.

Mr. McGee moved to take up Senate Bill No. 139.

Pending the consideration of the motion, on motion the Senate adjourned.

## IN SENATE.

THURSDAY, April 3, 1856.

Senate met pursuant to adjournment.

Lieutenant Governor in the Chair.

Prayer by the Rev. Mr. Pratt.

Journal of yesterday read and approved.

Mr. Norman presented a bundle of petitions, numerous signed, from citizens of Calaveras County, praying the removal of the County Seat from Mokelumne Hill to San Andreas.

Placed on file.

Mr. Norman asked leave to introduce a Bill on the subject, which the Senate by a vote refused.

On the representation of Mr. Burton, Chairman of the Committee on Enrollment, that gentleman was authorized to insert the word "by," in a clause of the Bill for the relief of Thomas F. W. Price.

Mr. McCallum presented the following report:

*Mr. President :*

The Committee on Engrossed Bills have examined Senate Bill No. 107, An Act to amend "An Act concerning the office of Treasurer of State," approved March 16th, 1855; and

Senate Bill No. —, An Act amendatory of, and supplementary to, an Act entitled "An Act to create the office of State Printer, and define the duties and compensation thereof, and to provide for the time and manner of election," passed May 1st, 1854; and find the same correctly engrossed.

McCALLUM,  
Chairman.

Mr. Fiske presented the following report :

*Mr. President :*

The El Dorado Delegation, to whom was referred Substitute for Assembly Bill No. 168, An Act to submit the question of the removal of the County Seat of El Dorado County to the legal voters thereof, have had the same under consideration, would respectfully report the same back and recommend its passage.

HENRY M. FISKE,  
Chairman of Delegation.



Mr. Fiske moved that the Bill be taken up and considered.

Mr. Tilford moved a call of the Senate.

Carried.

On motion of Mr. Lippincott, leave of absence for one day was granted to Mr. Hawks.

The roll was called, and Senators Ferguson and Westmoreland found to be absent without leave.

Mr. Westmoreland appeared at the Bar of the Senate and was admitted.

On motion of Mr. McCallum, further proceedings under the call were dispensed with.

The question was taken on the motion made by Mr. Fiske, the rules suspended and the Bill to submit the question of the removal of the County Seat of El Dorado County to the legal voters thereof, taken up and considered in Committee of the Whole.

After some time so spent, the Bill was reported back to the Senate without amendment, read a third time and passed.

Mr. Burton presented the following report :

*Mr. President :*

Your Committee on Enrollment have examined and found correctly enrolled, an Act entitled An Act making Appropriations to meet Deficiencies in Appropriations heretofore made to Defray the Civil Expenses of Government from the first day of February, 1855, until the first day of February, 1856 ; and,

An Act to provide for the Payment of Thomas F. W. Price, for services rendered, money expended, and supplies furnished, to the Volunteers in an Expedition under his command against the hostile Indians in the Northern Portions of Yolo and Napa Counties, during the Year 1851.

E. F. BURTON.

Mr. McNeill presented the following report :

*Mr. President :*

The Special Committee to whom was referred Assembly Bill No. 162, An Act to change the Time of holding the Probate Court of the County of Merced, have had the same under consideration, and beg leave to return it to the Senate and recommend its passage.

A. McNEILL.

On motion of Mr. McNeill, the rules were suspended, the Bill taken up, read a third time, and passed.

Mr. Day presented the following report :

*Mr. President :*

The Select Committee to whom was referred Assembly Bill No. 169, An Act for the Relief of Jotham S. Marston, late Treasurer of Alameda County, have had the same under consideration, and herewith report the same back and recommend its passage.

S. DAY,  
Chairman.

The Bill was taken up, read a third time and passed.

Mr. Ashley, from a Select Committee, reported back Assembly Bill granting Joseph R. Beals, and others, the right to construct a Toll-Bridge across the Pajaro River, passed May 13th, 1854, with several amendments.

Amendments adopted, Bill read a third time, and passed.

On motion of Mr. Burton, the rules were suspended and the Senate took up Assembly Substitute Bill No. 265, for An Act to define the Boundary Line of Colusi County.

On motion of Mr. Rust, the following amendment was added at the conclusion of the first section of the Bill:

*Provided*, That nothing in this Bill shall be so construed as to permit the eastern line of said County of Colusi to extend further south on the east side of Sacramento River, than a point known as Winter's Ferry.

Mr. Dosh offered the following amendment to the Bill :

SECTION 2. The Board of Supervisors of Colusi County shall appoint two Commissioners, to meet a corresponding number from each of Butte, Sutter and Yolo Counties, to ascertain the indebtedness of each county; and upon ascertaining the amount of indebtedness of each county, the County of Colusi shall assume, and become responsible for, (when certified by the Commissioners, or a majority of them,) its proper proportion of indebtedness of each county, in ratio of the taxable property as ascertained by the Commissioners.

SEC. 3. Twenty per cent. of all money received in the County Treasury of Colusi County, shall be set apart as a Sinking Fund, to liquidate the debts due from Colusi to Butte, Sutter and Yolo Counties; and shall be paid over to Butte, Sutter and Yolo Counties every six months,—each county receiving the amount in ratio of its dues,—until the debt is paid.

Adopted.

The Bill was then read a third time and passed.

Mr. Burton presented the following report :

*Mr. President :*

Your Committee on Eurollment have this day presented to his Excellency, the Governor, An Act making appropriations to meet deficiencies in Appropriations heretofore made to defray the Civil Expenses of Government, from the first day of February, 1855, until the first day of January, 1856; and

An Act to provide for the payment of Thomas F. W. Price for services rendered, money expended and supplies furnished to the volunteers in an expedition under his command, against the hostile Indians in the northern portions of Yolo and Napa Counties, during the year 1851.

E. F. BURTON.

Senate Substitute Bill, An Act amendatory of, and supplementary to, the Act entitled "An Act to create the Office of State Printer and define the duties and compensation thereof," etc., came up on its third reading.

Mr. McCoun offered the following amendment to the Bill which was adopted :

SEC. 3. Folding shall not be allowed or charged on any bill or document, unless the same require stitching; and no bill or document not exceeding four pages shall be stitched. When stitching is required on bills or documents ordered by either House, one-eighth of one cent per page shall be allowed for such folding and stitching; *provided*, that no folding or stitching shall be allowed on the Laws or Journals; no charge for composition shall be made or allowed on such portions of the Appendix to the Journals as may have been ordered printed for the use of either House; nor shall more than one charge be made for composition on any document ordered printed by both Houses; *provided*, the respective orders for printing are made within seven days of each other. The ayes and noes in the Journals shall be run in. The change of the title page and running head line from Senate to Assembly file, or *vice versa*; or any document ordered printed by each House within seven days of each other, shall not be so construed as to allow more than one charge for composition or any additional charge for such alteration.

The Bill was then read a third time and passed.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 3, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed Committee on Ways and Means Substitute for Assembly Bill No. 62, entitled An Act to amend an Act entitled "An Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers."

Respectfully submitted,

A. M. HAYDEN,  
Ass't Clerk Assembly.

Assembly Bill No. 62, was read a first and second times and referred to the Judiciary Committee.

Mr. McCallum presented the following report :

*Mr. President :*

The Delegation from El Dorado County, to whom was referred the petition of John Conness and about five hundred other citizens of said county, praying for a new county, have had the same under consideration and report as follows :

Although said petition is numerously signed, yet the same is not so large as to indicate that a majority of the citizens of that county consent to any division.

The delegation further report that in case the county should be divided as proposed in the petition, the present County Seat would be left on the extreme northern boundary of what would remain of El Dorado.

Further that in case that County Seat should be removed its further location should to some extent, govern the boundaries of the proposed new county.

Whatever may be the opinions of the delegation as to the propriety of dividing the Empire County, justice to their constituents requires that they should consider impartially so respectable a petition, and report upon the same.

The delegation recommend that no action be taken upon the subject.

J. G. McCALLUM.

Mr. Burton offered the following resolution, which was adopted :

*Resolved*, That the State Printer be required to report to the Senate, on or before Saturday next, the cost of printing done by him or order of the Senate up to the 3d day of the present month.

On motion of Mr. Burton, the Senate took up Assembly Bill No. 263, An Act making an appropriation of money to defray the expenses of the State Prison from the first day of January, 1856, to the first day of April, 1856, and to pay the salaries of the State Prison Directors.

Mr. Westmoreland moved to adjourn.

Lost.

The Bill was considered in Committee of the Whole and amended.

After some time so spent the Committee rose and reported the bill back to the Senate.

On motion, the amendments made in Committee of the Whole were concurred in.

Mr. Shaw offered the following amendment to the bill as an additional section.

The Act entitled "An Act to provide for the government of the State Prison," approved May 7th, A. D. 1855, is hereby repealed, and the three Directors elected at the last general election and constituting the Board of Directors of the State Prison, shall not be authorized to contract any debt or debts for any purpose whatever, after the passage of this Act, nor shall they be required to perform any official acts after the 31st of December, A. D. 1856; and they shall each be entitled to the salary allowed by law for one year, commencing on the first day of January, A. D. 1855, and ending on the 31st December, A. D. 1856, and no more. The Controller is hereby authorized to draw his warrant on the Treasurer for the amount of the salary of each of said Directors for the year aforesaid, deducting any amount previously paid, and to deliver the same to each respectively, after renewing his receipt in full for all claims and demands against the State for any salary in said office.

Mr. Coffroth moved to adjourn.



The yeas and nays were demanded by Messrs. McCoun, Burnett and Burton, with the following result:

AYES.

Messrs. Coffroth, Crandall, Day, Flint, Lippincott, Mandeville and Norman—7.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Dosh, Ferguson, Fiske, French, Gove, Hawks, Hawthorne, Heintzelman, McCallum, McCoun, McGee, McNeill, Norman, Rust, Scellen, Shaw and Wilson—21.

So the motion was lost.

Mr. McCoun demanded the previous question.

Lost.

Mr. Heintzelman moved a call of the Senate.

Lost.

The question recurring on the adoption of the amendment proposed by Mr. Shaw, the ayes and noes were demanded by Messrs. Coffroth, Heintzelman and Lippincott, with the following result:

AYES.

Messrs. Coffroth, Crandall, Day, De la Guerra, Flint, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Shaw and Tiltford—15.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Dosh, Ferguson, Fiske, Hawks, McCallum, McCoun, McGee, Rust, Scellen, Waite and Wilson—16.

So the amendment was lost.

Mr. Coffroth moved to amend the last line of the First Section of the Bill, by striking out the words, "first day of April, 1856," and insert "28th day of March, 1856."

Carried.

Mr. Coffroth offered the following amendment:

Strike out in the first and second lines of the First Section the words "thirty-six thousand three hundred and fifty dollars," and insert "thirty-two thousand dollars."

On the question of adopting the amendment, the ayes and noes were demanded by Messrs. Coffroth, McCoun and Hook, with the following result:

AYES.

Messrs. Coffroth, Cosby, Crandall, Dosh, Flint, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McCallum, McNeill, Norman, Shaw, Tilford and Wilson—17.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Ferguson, Fiske, Hawks, Hawthorne, McCoun, McGee, Rust, Scellen and Waite—13.

So the amendment was adopted.

Mr. McCoun moved the previous question.

Not sustained.

Mr. Shaw moved to refer the Bill to the Committee on Claims, with instructions to report amendments to the Bill containing a provision for dispensing with the services of the present Board of State Prison Directors, and to include such further provisions as they may deem necessary to protect the interests of the State, concerning the State Prison.

Mr. McCallum moved the previous question.

Sustained.

The question being, "Shall the main question be now put?" it was carried.

The question recurring on the motion made by Mr. Shaw to recommit, the ayes and noes were demanded by Messrs. Coffroth, Heintzelman and Lippincott, with the following result:

AYES.

Messrs. Coffroth, Crandall, Day, De La Guerra, Dosh, Flint, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Shaw and Tilford—16.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Ferguson, Fiske, Hawks, Hawthorne, McCallum, McCoun, McGee, Rust, Scellen, Waite and Wilson—16.

So the motion was lost.

The Bill was then read a third time.

The question being on the final passage of the Bill, the ayes and noes were demanded by Messrs. Coffroth, Scellen and Waite, with the following result:

AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, De La Guerra, Dosh, Ferguson, Fiske, Hawks, Hawthorne, McCallum, McCoun, McGee, McNeill, Rust, Scellen, Waite and Wilson—20.

NOES.

Messrs. Coffroth, Flint, French, Gove, Heintzelman, Mandeville, Norman, Shaw and Tilford—9.

So the Bill passed.

Mr. Hawthorne moved to amend the title of the Bill by striking out the words, "the first day of April," and inserting the words, "the twenty-eighth day of March."

Mr. Coffroth gave notice that on to-morrow he would move a reconsideration of the vote taken on the final passage of the Bill.

Mr. Coffroth moved to adjourn.

The ayes and noes were demanded by Messrs. Hawks, McCoun and Heintzelman, with the following result:

AYES.

Messrs. Coffroth, Crandall, Day, De La Guerra, Flint, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Shaw and Tilford—15.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Dosh, Ferguson, Fiske, Hawks, Hawthorne, McCallum, McCoun, McGee, Rust, Scellen, Waite and Wilson—17.

So the Senate refused to adjourn.

The question was then taken on the motion of Mr. Hawthorne, to amend the title of the Bill, and it was agreed to.

On motion of Mr. Coffroth, the Senate adjourned.

## IN SENATE.

FRIDAY, April 4, 1856.

Senate met pursuant to adjournment.

Mr. Ashley, President *pro tem.* in the Chair.

Journal of yesterday having been read,

Mr. Coffroth rose to a privileged question, touching the conduct of the Secretary of the Senate, in reporting a Bill into the Assembly while a motion was pending for a reconsideration.

After some discussion, Mr. Coffroth was permitted to change his vote from the affirmative to the negative, on the final passage of Assembly Bill No. 263, making an appropriation of money for the support of the State Prison.

The Journal was then approved.

Mr. Burton presented the following report :

*Mr. President :*

Your Committee on Enrollment have examined and find correctly enrolled, a Joint Resolution in relation to the establishment of a line of mail communication between the Atlantic States; and,  
Joint Resolution for an appropriation of books by Congress.

E. F. BURTON.

Mr. Flint presented the following report :

*Mr. President :*

The San Francisco Delegation, to whom was referred An Act to amend "An Act to regulate Fees in Office," approved April 10th, 1855, have had the same under consideration, and beg leave to report it back without amendment, and recommend its passage.

WILSON FLINT.

On motion of Mr. Tilford, the rules were suspended, the Bill read a third time and passed.

Mr. Flint reported the account of Mr. Doherty, for twenty-five dollars.

Referred to the Committee on Contingent Expenses.

The following message was received from the Assembly :



ASSEMBLY CHAMBER, }  
Sacramento, April 4, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, on the 2d of this month, by a two-thirds vote, notwithstanding the objections of the Governor, An Act to regulate the Fire Department of the City of Sacramento.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
Sacramento, April 3, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed Senate Joint Resolution in relation to the establishment of a Mail Route across the Plains, and the construction and defense of good Wagon Roads.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
Sacramento, April 4, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed the following named Bills, viz :

Assembly Bill No. 33, An Act relative to Escheated Estates ; also,

Judiciary Committee Substitute for Assembly Bill No. 279, An Act fixing the Time of holding the several Courts authorized to be held by the County Judges in the Counties of Shasta, Monterey and Humboldt ; and,

Committee on Vice and Immorality Substitute for Assembly Bill No. 87, An Act for the Better Observance of the First Day of the Week, commonly called Sunday.

Respectfully submitted,

ALEX. M. HAYDEN,  
Ass't Clerk of Assembly.

Assembly Bill No. 33 was read a first and second times and referred to the Judiciary Committee.

Substitute for Assembly Bill No. 87, was read a first and second times and referred to the Committee on Public Morals and Police.

Substitute for Assembly Bill No. 279, was read a first and second times and referred to the Senators from Shasta, Monterey and Humboldt.

Mr. Waite offered the following resolution :

*Resolved*, That the Secretary of the Senate be requested to furnish the Sergeant-at-Arms of the Senate, at as early a day as practicable, with a statement of all printing ordered by the Senate up to this date; and hereafter, when an order shall be given for printing by the Senate, the Secretary shall furnish the Sergeant-at Arms with a statement of the same, giving the name of the document, and the quantity ordered.

Adopted.

According to previous notice, Mr. Mandeville moved to amend the 27th Standing Rule of the Senate, by changing the hour of meeting from 11 to 10 o'clock, A. M.

Mr. Burton moved a call of the Senate.

Lost.

The question was then taken on the motion of Mr. Mandeville.

Lost.

The hour for the consideration of the Special Order having arrived, the Senate took up Senate Substitute Bill No. 6, entitled An Act concerning the War Debt of this State and providing for the Redemption of the same.

On motion, the Bill was made the Special Order for Wednesday next, at 12 o'clock, M.

Senate Bill No. 123, An Act to provide for the Survey and Construction of Immigrant Wagon Roads across the Sierra Nevada Mountains, came up on its third reading, and,

On motion, was made the Special Order for Tuesday next, at 12 o'clock, M.

On motion of Mr. Dosh, the Senate took up Senate Bill No. 54, An Act for the payment of the Salaries of District Judges throughout this State.

Mr. Mandeville moved to indefinitely postpone the Bill.

The ayes and noes were demanded by Messrs. Mandeville, French and Dosh, with the following result :

AYES.

Messrs. Ashley, Burnett, Fiske, Flint, Hawks, Hawthorne, Heintzelman, Hook, Mandeville, McCallum, McCoun, McGee, McNeill, Rust, Seellen, Shaw and Westmoreland—17.

NOES.

Messrs. Burton, Bynum, Coffroth, Crandall, Day, De la Guerra, Dosh, French Gove, Norman, Tilford, Waite and Wilson—13.

So the motion prevailed, and the Bill was indefinitely postponed.

On motion of Mr. Mandeville, the Senate took up Assembly Bill No. 268, entitled An Act for the relief of Olive Oatman.

Mr. Waite moved to lay the Bill on the table.

Lost.

Mr. Shaw moved to indefinitely postpone the Bill.

Lost.

The Bill was read a third time, and on the question of its passage, the ayes and noes were demanded by Messrs. Mandeville, French and McNeill, with the following result :

AYES.

Messrs. Bynum, Day, Dosh, Ferguson, Flint, French, Gove, Hawks, Hawthorne, Hook, Lippincott, Mandeville, McGee, McNeill, Rust, Scellen, Tilford, Wilson—18.

NOES.

Messrs. Ashley, Burnett, Burton, Crandall, Heintzelman, McCoun, Norman, Shaw, Waite and Westmoreland—10.

So the Bill was passed.

Mr. Burton offered the following Resolution :

*Resolved*, By the Senate, the Assembly concurring, That one day's *per diem* of each member of the Senate and Assembly be paid to Miss Olive Oatman; and the Controller of State is hereby authorized and required to draw his warrant for the amount in the aggregate, and deduct the same from the account of the members of the two houses.

Mr. Burnett offered the following amendment to the Resolution :

Such *per diem* shall be applied to the same purpose and in the same manner, and shall be secured in the same manner as the moneys appropriated in an Act entitled "An Act for the Relief of Olive Oatman," passed in April, 1856, are in said Act authorized to be applied.

Mr. Heintzelman offered the following amendment to the amendment :

*Provided*, That this shall not apply to those who vote in the negative.

Adopted.

After a variety of motions, upon which no action was taken, Mr. Norman moved to insert "two days' *per diem*."

Carried.

Mr. McGee moved to lay the whole subject on the table.

The ayes and noes were demanded by Messrs. Heintzelman, De La Guerra and Norman, with the following result :

## AYES.

Messrs. Ashley, Dosh, Fiske, Hook, Mandeville, McGee, McNeill, Scellen and Waite—9.

## NOES.

Messrs. Burnett, Burton, Bynum, Crandall, Day, De La Guerra, Ferguson, French, Gove, Heintzelman, Lippincott, McCallum, McCoun, Norman, Tilford and Wilson—16.

So the motion was lost.

Mr. Mandeville moved to strike out the proviso to the resolution.

The Chair (Mr. Ashley) ruled the motion out of order.

Mr. Burnett moved a call of the Senate.

Carried.

The roll was called, and Messrs. Coffroth, Cosby and Westmoreland, found to be absent without leave.

On motion of Mr. Burton, further proceedings under the call were dispensed with.

Mr. Scellen moved to adjourn.

The ayes and noes were demanded by Messrs. De La Guerra, Norman and Heintzelman, with the following result:

## AYES.

Messrs. Cosby, De La Guerra, Dosh, Ferguson, French, Gove, Hawks, Hook, Lippincott, Mandeville, McGee, McNeill, Rust, Scellen, Tilford and Waite—16.

## NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Crandall, Day, Fiske, Hawthorne, Heintzelman, McCallum, McCoun, Norman, Shaw and Wilson—14.

So the Senate adjourned.



IN SENATE.

SATURDAY, April 5, 1856.

Senate met pursuant to adjournment.

Mr. Ashley, President *pro tem.* in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of yesterday read and approved.

Mr. Burton presented the following report :

*Mr. President :*

Your Committee on Enrollment presented to the Governor, on yesterday, a Joint Resolution in relation to the Establishment of a Line of Mail Communication between this and the Atlantic States ; and

A Joint Resolution in relation to an appropriation of Books by Congress.

E. F. BURTON.

Mr. McCoun, from a Select Committee, reported back Assembly Bill No. 152, An Act granting the privilege to Robert Haley and others to erect and build a Wharf on the Ranch of San Pablo, in Contra Costa County, recommending its passage.

The Bill was placen on the Calendar.

Leave being granted, Mr. Bynum introduced a Bill for An Act authorizing the Board of Supervisors of Solano County to levy a special tax for the payment of certain indebtedness of said county.

Read a first and second times, and referred to the Judiciary Committee.

Leave being granted, Mr. Dosh introduced a Bill for An Act to amend an Act entitled "An Act to protect owners of Growing Crops, Buildings and other improvements in the Mining Districts of this State," passed April 25, 1855.

Read a first and second times and referred to the Committee on Mines and Mining Interests.

The following communication was received from the State Printer :

OFFICE OF STATE PRINTER,                    }  
Sacramento, April 4, 1856. }

SIR: In obedience to a Resolution of the Senate, passed yesterday, requiring me "to report to the Senate the cost of printing done by me by order of the Sen-

ate, up to the 3d day of the present month," I have the honor to report that the entire cost of the work which has been completed and for which bills have been made out and rendered to the Controller of State, is sixteen thousand, eight hundred and thirty-five dollars and sixteen cents, (\$16,835 16.)

I have the honor to subscribe myself, very respectfully,

JAMES ALLEN,  
State Printer.

W. BAUSMAN, Sec'y Senate.

Mr. Mandeville moved to commit the communication to the Committee on Printing, with instructions to ascertain the entire cost of printing done by order of the Senate, and report to the Senate by Tuesday next.

Agreed to.

Mr. Lippincott moved to take from the Calendar Senate Bill No. 83, relating to Turnpike Roads.

Lost.

Bills on the Calendar—

Senate Bill No. 96, for An Act to repeal "An Act to enforce the Payment of Licenses in this State," passed April 1, 1853, was taken up, and on motion of Mr. French, indefinitely postponed.

Senate Bill No. 51, for An Act amendatory of and supplemental to an Act entitled "An Act to regulate the Settlement of the Estates of Deceased Persons," passed May 1, 1851, was taken from the Calendar, and on motion of Mr. Shaw, indefinitely postponed.

Assembly Bill No. 125, An Act amendatory of "An Act concerning County Judges," passed April 4, 1854; and also, An Act which passed April 30, 1855, amendatory of the above recited Act, was taken up, and on motion, referred to Senator McGee.

Senate Bill No. 38, An Act to punish and discourage the practice of Polygamy, was taken from the Calendar.

Mr. French moved to indefinitely postpone the Bill.

On motion of Mr. Norman, the Bill was then referred to a Special Committee of three.

The Chair appointed Messrs. Norman, French and Heintzelman, said Committee.

Senate Bill No. 148, for An Act to require the Governor to submit to the people of the State at the next General Election, an Act herein named, for their approval or rejection, was taken from the Calendar, and on motion placed at the foot of the file.

Assembly Bill No. 214, for An Act to Incorporate the town of Eureka, was taken from the Calendar, read a third time and passed.

Assembly Bill No. 86, for An Act to fund the debt of the County of Napa and provide for the payment of the same, was taken from the Calendar, read a third time and passed.

Senate Bill No. 131, for An Act to provide for the Incorporation of Towns, was taken from the Calendar, read a third time and passed.

Senate Bill No. 132, for An Act amendatory of the Act entitled "An Act to authorize the formation of Corporations," etc., was taken from the Calendar and considered in Committee of the Whole.

After some time so spent, the Committee rose and reported the Bill back to the Senate.

On motion of Mr. French, the Bill was laid upon the table.

Senate Bill No. 122, for an Act entitled An Act to create an Inspector of pork, beef and salt provisions, and defining the duties thereof, in and for the City and County of San Francisco, was taken from the Calendar and considered in Committee of the Whole.

After some time so spent, the Committee rose and reported the Bill back to the Senate.

On motion of Mr. Tilford, the Bill was referred to a Select Committee, consisting of Messrs. McGee, Cosby and Heintzelman.

Mr. McGee moved to add the name of Mr. Norman to the Committee.

Lost.

On motion of Mr. Tilford, Mr. McCoun was added to the Committee.

Mr. Rust moved to add Mr. Tilford to the Committee.

Lost.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 5th, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed the following Substitute Resolution relative to the adjournment of the Legislature; also,

Amended and passed Senate Bill No. 42, An Act to amend an Act entitled "An Act concerning crimes and punishments," passed April 16th, 1850; also, amended and passed

Senate Bill No. 43, An Act amendatory of, and supplementary to, an Act entitled "An Act concerning crimes and punishments," passed April 16, 1850; also, amended and passed

Senate Bill No. 109, An Act amendatory of, and supplementary to, "An Act concerning the organization of the Militia," passed April 25th, 1855.

Respectfully Submitted,

ALEX. M. HAYDEN,  
Assistant Clerk of Assembly.

Assembly Concurrent Resolution, fixing the time of adjournment, was taken up.

Mr. Shaw moved to concur in the resolution.

Mr. Waite moved to strike out "the 21st," and insert "the 14th."

Lost.

The resolution was then concurred in.

The Senate next took up Senate Bill No. 42, An Act to amend an Act entitled "An Act concerning Crimes and Punishments," passed April 16th, 1850.

The question arose on concurring in the Assembly amendments, when,

On motion of Mr. Lippincott, the Bill was laid upon the table.

Mr. Lippincott moved to adjourn.

The ayes and noes were demanded by Messrs. Cosby, Shaw and French, with the following result:

AYES.

Messrs. Burton, Bynum, Crandall, De la Guerra, Dosh, Flint, Gove, Lippincott, Mandeville and Scellen—10.

NOES.

Messrs. Ashley, Burnett, Cosby, Fiske, French, Hawthorne, Heintzelman, Hook, McNeill, Rust, Shaw, Tilford and Waite—13.

So the Senate refused to adjourn.

Senate Bill No. 43, An Act amendatory of, and supplementary to, an Act entitled "An Act concerning Crimes and Punishments," passed April 16th, 1850, was taken up, and,

On motion of Mr. Shaw, was laid on the table.

Senate Bill No. 109, An Act amendatory of, and supplementary to, "An Act concerning the Organization of the Militia," passed April 25th, 1855, was taken up, and the amendments made in the Assembly concurred in, *seriatim*.

Leave being granted, Mr. Rust introduced a Bill for An Act to abolish the Office of State Prison Directors, and to provide for their payment.

Read a first and second times and referred to the Committee on Claims.

Mr. Burnett moved to adjourn.

The ayes and noes were demanded by Messrs. Shaw, French and Hawthorne, with the following result:



AYES.

Messrs. Burnett, Bynum, Crandall, Dosh, Gove, Lippincott, Mandeville, McCoun, Norman, Rust and Tilford—11.

NOES.

Messrs. Ashley, Burton, Cosby, Day, Fiske, French, Hawthorne, Heintzelman, Hook, McNeill, Shaw Waite and Wilson—13.

So the motion was lost.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
Sacramento, April 5, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed Senate Bill No. 57, An Act to amend "An Act to provide for the Incorporation of Railroad Companies," passed April 22d, 1853, and amended May 15th, 1854, and amended April 10th, 1855, with amendments, as therein shown; and,

Senate Bill No. 138, An Act supplemental to an Act entitled "An Act making Appropriations for the Civil Expenses of the Government of this State," approved March 15th, 1856, with amendments, as therein shown.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Senate Bill No. 138, for An Act supplemental to an Act entitled "An Act making Appropriations for the Civil Expenses of the Government of this State," approved March 15, 1856, was taken up, and,

The Senate refused to concur in the Assembly amendments.

Senate Bill No. 57, for An Act to amend "An Act to provide for the Incorporation of Railroad Companies," passed April 22d, 1853, and amended May 15th, 1854, and amended April 15th, 1855, was taken up, and,

The Assembly amendments were concurred in, *seriatim*.

Assembly Bill No. 36, for An Act to amend an Act entitled "An Act dividing the State into Counties and establishing the Seats of Justice therein," passed April 25th, 1851, was taken up.

Mr. Bynum moved to lay the Bill on the table.

Mr. Heintzelman moved to indefinitely postpone it.

Mr. Rust moved a call of the Senate.

Lost.

Mr. Rust moved to lay the Bill on the table, upon which the ayes and noes were demanded by Messrs. French, Heintzelman and Rust, with the following result :

AYES.

Messrs. Burnett, Bynum, Cosby, Day, Dosh, Fiske, Hawthorne, McCallum, McCoun, Norman, Rust, Shaw, Tilford and Wilson—14.

NOES.

Messrs. Ashley, Burton, Crandall, De la Guerra, French, Gove, Heintzelman, Hook, Mandeville, McNeill and Waite—11.

So the motion prevailed and the Bill was laid on the table.

Senate Bill No. 114, for An Act to provide for the disposal of the forty-six thousand and eighty acres of land donated to the State of California for seminary purposes, was taken up, and on motion of Mr. French, made the Special Order for Wednesday next at 12 o'clock, M.

Mr. Norman moved to adjourn.

Lost.

Mr. Fiske moved to reconsider the vote by which Assembly Bill No. 36 was laid upon the table, stating that he had voted unintentionally upon the Bill, having previously paired off with Mr. Flint.

Mr. Mandeville moved to take from the table Assembly Bill No. 36, upon which the ayes and noes were demanded by Messrs. Rust, Bynum and McCallum, with the following result :

AYES.

Messrs. Ashley, Burton, Crandall, French, Gove, Hawthorne, Heintzelman, Hook, Mandeville and Waite—10.

NOES.

Messrs. Burnett, Bynum, Dosh, Hawks, McCallum, McCoun, McGee, McNeill, Norman, Rust, Tilford and Wilson—12.

So the motion was lost.

Mr. Norman moved to take up the unfinished business, being the resolution in relation to Olive Oatman.

Mr. Mandeville moved to adjourn, upon which the ayes and noes were demanded by Messrs. Norman, French and Heintzelman, with the following result :

AYES.

Messrs. Burnett, Bynum, Cosby, Crandall, Day, Dosh, Gove, Hook, Mandeville, McGee, McNeill, Rust, Tilford and Wilson—14.

NOES.

Messrs. Ashley, Burton, Fiske, French, Hawks, Heintzelman, McCallum, Norman, Shaw and Waite—10.

So the Senate stood adjourned.

---

IN SENATE.

MONDAY, April 7, 1856

Senate met pursuant to adjournment.

Lieutenant-Governor in the Chair.

Prayer by Rev. Mr. Baker.

Journal of Saturday read and approved.

Leave being granted, Mr. Hook, from a Special Committee, introduced a Bill for an Act entitled An Act to provide for the payment of Hiram Morgan, for services rendered as a Private in Company E, of the Second Brigade, First Division of California Militia, commanded by Major W. Rogers, from the 23d day of May, 1851, until the 27th day of June, 1851.

Read a first and second times and placed on file.

Leave being granted, Mr. Hook withdrew from the files of the Senate, certain papers of R. Blankenship and others.

Mr. Ashley, from the Committee on Claims, reported back Senate Bill for An Act to abolish the Office of State Prison Directors and to provide for their Payment, with a substitute.

On motion of Mr. Heintzelman, the substitute was adopted.

On motion, the rules were suspended, the substitute read a third time, and passed.

Mr. McGee, from a Select Committee, reported back Assembly Bill No. 125, for An Act amendatory of "An Act concerning County Judges," passed April 4, 1854, and, also, an Act which passed April 30th, 1855, amendatory of the above recited Act.

On motion of Mr. McGee, the rules were suspended, the Bill read a third time and passed.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
Sacramento, April 5, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed Assembly Bill No. 285, entitled An Act appropriating Moneys for Translating certain Documents.

Respectfully submitted,

A. M. HAYDEN,  
Ass't Clerk Assembly.

Assembly Bill No. 285, was read a first and second times and referred, with instructions, to the Committee on Claims.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
Sacramento, April 7, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed the following Bills :

Bill No. 272, An Act amendatory of, and supplementary to, an Act entitled "An Act to Incorporate the City of Marysville," approved March 5, 1855.

Bill No. 267, An Act fixing the Time of holding the Court of Sessions, County Court and Probate Court, in and for the County of Santa Clara.

Bill No. 281, An Act to grant the Sheriffs of Stanislaus, Sonoma and Mariposa Counties, additional time to make their annual settlement for the collection of State and County Taxes for the year 1855.

Bill No. 248, An Act to prevent the trespassing of hogs on private property in the County of Yuba.

Bill No. 291, An Act to amend an Act entitled "An Act to organize the County of Buena Vista," approved April 30, 1855.

Bill No. 293, An Act fixing the Salaries of the County Judge and of the District Attorney of the County of Tulare.

Bill No. 292, An Act fixing the Traveling Fees in Tulare County ; also, No. 143, Proposed Amendments to the Constitution of the State of California. And that the Assembly have indefinitely postponed—

Senate Bill No. 171, An Act amendatory of, and supplementary to, an Act entitled "An Act to incorporate the City of Marysville," approved March 5, 1855.

Respectfully Submitted,

J. M. ANDERSON.  
Clerk of Assembly.

The following Assembly Bills were acted upon as enumerated in order :

Assembly Bill No. 171, was read a first and second times and referred to the Yuba Delegation.



No. 272 was similarly disposed of.

Assembly Bill No. 267, was read a first and second times rules suspended, read a third time, and passed.

Assembly Bill No. 292, was read a first and second times, rules suspended, read a third time, and passed.

Assembly Bill No. 293 was read a first and second times, rules suspended, read a third time, and passed.

Assembly Bill No. 291, was read a first and second times, rules suspended, read a third time and passed.

Assembly Bill 281, was read a first and second times, rules suspended, read a third time, and passed.

Assembly Bill No. 248 was read a first and second times, and considered in Committee of the Whole.

After some time so spent, the committee rose and reported the Bill back to the Senate.

On motion of Mr. Burton, the Bill was indefinitely postponed.

Assembly Joint Resolution relating to the Constitutional Amendments, was read a first and second times, and referred to the Judiciary Committee.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 7th, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly refused to recede from amendments to Senate Bill No. 138, An Act supplemental to an Act entitled "An Act making appropriations for the civil expenses of the Government of this State," approved March 15th, 1856 ; and have passed

Assembly Bill No. 573, An Act to amend "An Act concerning the Courts of Justice of this State and Judicial Officers," passed May 19, 1853.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

On motion of Mr. Mandeville, the Senate receded from its disagreeing vote to Senate Bill No. 138.

Substitute for Assembly Bill No. 273, was read a first and second times and referred to the Judiciary Committee.

On motion of Mr. Norman, the Judiciary Committee were instructed to report back, by Wednesday next, Assembly Bill No. 253, An Act concerning the State Treasury.

Mr. French presented the weekly accounts of the Sacramento Postmaster.

Referred to Committee on Contingent Expenses.

Mr. Ashley presented the following Concurrent Resolution, which was adopted:

*Resolved*, The Assembly concurring, That witnesses attending before Committees, or under any authority of the Legislature, shall be allowed the same fees for per diem and mileage as witnesses in civil cases in courts, and no more; and all Committees and officers are directed to allow no more than is hereby provided; nor shall there be allowed to any clerk or employee of a Committee more pay than is allowed a member of the Legislature.

Mr. Hawks presented the following Resolution, which was adopted:

*Resolved*, That the Sergeant-at-Arms be instructed to inquire of the State Printer the reason why the Report of the Committee of Investigation on the recent Public Land Sale in San Francisco, has not yet been delivered.

Mr. Mandeville offered the following resolution, which was adopted:

*Resolved*, That the Controller of State is hereby required to draw his warrant on the Contingent Fund of the Senate for the sum of \$2,000, in favor of William Coates, for services as Official Reporter of the Senate, from January 7th, 1856, to April 21st, 1856.

Senate Bill No. 42, for An Act to amend an Act entitled "An Act concerning crimes and punishments," passed April 16th, 1850, came up under the head of Unfinished Business.

On the question of concurring in the Assembly amendment to Section Two, striking out all after the word "death," the ayes and noes were demanded by Messrs. French, Shaw and Gove, with the following result:

AYES.

Messrs. Ashley, French and Norman—3.

NOES.

Messrs. Burnett, Burton, Bynum, Crandall, De la Guerra, Dosh, Gove, Hawks, Hawthorne, Heintzelman, Lippincott, McCallum, McCoun, McGee, McNeill, Rust, Scellen, Shaw, Tilford, Waite and Wilson—21.

So the Senate refused to concur in the amendment.

The Assembly amendment to Section Four, was concurred in; also,

Assembly amendments to Sections Sixth, Seventh and Eighth.

The Senate refused to concur in Assembly amendment to Section Nine, of the Bill.

The Senate concurred in Assembly amendment to Section Ten of the Bill.

Senate Bill No. 43, An Act amendatory of, and supplementary to, an Act entitled "An Act concerning crimes and punishments, passed April 16, 1850, came up under the head of Unfinished Business.

The question arising on concurring in Assembly amendment to Section two of the Bill, the Senate refused to concur.

The Senate also refused to concur in Assembly amendment to Section five of the Bill.

The Senate concurred in Assembly amendment to Section six of the Bill.

The Senate refused to concur in Assembly amendment to Section ten of the Bill.

The Senate concurred in Assembly amendment to Section eleven of the Bill.

On motion of Mr. Tilford, a Committee of Free Conference was appointed to confer with a like Committee on the part of the Assembly, in relation to Senate Bills Nos. 42 and 43.

The Chair appointed Messrs. Tilford, Ferguson and Hawks said Committee.

The following message was received from his Excellency the Governor :

EXECUTIVE DEPARTMENT, }  
Sacramento, April 7th, 1856. }

*To the Honorable the Senate of the State of California :*

I have this day approved an Act originating in the Senate, entitled An Act making Appropriations to meet deficiencies in Appropriations heretofore made, to defray the Civil expenses of Government, from the first day of February, 1856 : and Saturday last the fifth instant, I approved An Act concerning the Office of Public Administrator in the Counties of Nevada, Sacramento, Monterey and Amador.

Respectfully, your obedient servant,

J. NEELY JOHNSON.

Bills on the Calendar—

Senate Bill No. 146, An Act to lease to Jonathan Williams Tule Lands in the County of Yolo, was taken up, considered in Committee of the Whole, and amended.

After some time spent in Committee, the Bill was reported back to the Senate.

On motion, the Bill was considered engrossed, read a third time and passed.

Senate Bill No. 150, An Act to confirm a certain contract of the Trustees of the City of Monterey for the building of a Wharf, was taken up, read a third time and passed.

Mr. Mandeville moved to adjourn.

The ayes and noes were demanded by Messrs. Fiske, Shaw and McCoun, with the following result:

## AYES.

Messrs. Burton, Bynum, Cosby, Crandall, French, Gove, Hawthorne, Heintzelman, Mandeville, McGee, Rust, Scellen and Waite—13.

## NOES.

Messrs. Ashley, Burnett, Day, Dosh, Fiske, McCallum, McCoun, McNeill, Shaw and Wilson—10.

So the Senate adjourned.

---

IN SENATE.

TUESDAY, April 8th, 1856.

Senate met pursuant to adjournment.

Mr. Ashley, President *pro tem.* in the Chair.

Prayer by Rev Mr. Pratt.

Journal of yesterday read and approved.

Leave being granted, Mr. Dosh introduced a Bill for An Act for the relief of County Surveyor of Colusi County.

Read a first and second times, and referred to the Committee on Claims.

Mr. Day offered the following Resolution, which was adopted:

*Resolved*, That the Governor be respectfully requested to return to the Senate, Assembly Bill No. —, entitled An Act to authorize the funding of the debt of the City of San José, and to provide for the payment of the same, to enable the Senate to re-consider the passage of the Bill, and make some amendments thereto which are deemed to be necessary to make the provisions of the Bill conformable to the Constitution.

Mr. Tilford presented the following report:



*Mr. President :*

The San Francisco Delegation, to whom was referred Assembly Bill No. 2, entitled An Act to repeal the several Charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the Government thereof, respectfully report the same back for the consideration of the Senate, with certain amendments, and recommend its passage as amended.

TILFORD.

The Bill was made the Special Order for to-morrow at 12 o'clock, M.

Mr. Burnett presented the following report :

*Mr. President :*

The Committee on Public Printing would respectfully report, that in pursuance of instructions given to that Committee on the 5th instant, the Chairman addressed a letter to the State Printer, making the interrogatories required by the instructions ; and your Committee herewith present to the Senate the report of the State Printer in answer thereto.

W. C. BURNETT,  
Chairman.

OFFICE STATE PRINTER, }  
Sacramento, April 8th, 1856. }

SIR:—Your note of the 5th instant, inclosing a Resolution of the Senate requiring the State Printer to report to that body the cost of all the printing ordered by it, completed and uncompleted, up to the third day of this month, has been received.

It is extremely difficult, if not impossible, to accurately estimate the cost of uncompleted work in the hands of the State Printer. When the work is completed, it is a task involving much labor and skill to compute its value ; and after the State Printer has made his computations, they are submitted to the rigid scrutiny of experts, selected by the Controller, who calculate the value of the work anew, and whose decision, whether for or against the State Printer, is final. It is, therefore, with considerable embarrassment I undertake to comply with the requirements of the Senate.

On the fourth of this month, I reported to the Senate the amount of work completed for it up to that date, at \$16,835 16. I now estimate the work uncompleted, at \$5,372 38. Total, \$22,207 54.

This estimated amount, of \$5,372 38, I consider above, rather than below what it will prove when computed, after completion.

I have the honor to subscribe myself,

Very respectfully, your obedient servant,

JAMES ALLEN,  
State Printer.

Hon. W. C. BURNETT, Chairman  
State Printing Committee, Senate.

### Bills on the Calendar—

Assembly Bill No. 78, for An Act to provide for the erection of a Jail in the County of Tuolumne, was taken from the Calendar, considered in Committee of the Whole, and the amendments reported by the Select Committee concurred in.

After some time spent in Committee, the Bill was reported back to the Senate, read a third time and passed.

Senate Bills Nos. 157 and 41, were taken up; also, Judiciary Committee Substitute for Senate Bill No. 157.

On motion, the Substitute Bill was adopted and considered in Committee of the Whole.

After some time spent, the Committee rose and reported the bill back to the Senate.

Mr. Cosby moved to re-commit the Bill to the Judiciary Committee, with instructions to restrict its provisions to chattels real.

On the question of reference, the ayes and noes were demanded by Messrs. McCallum, Heintzelman and McNeil, with the following result:

#### AYES.

Messrs. Burnett, Burton, Cosby, De la Guerra, Dosh, Hawks, Lippincott, McNeill, Seellen, Shaw, Waite and Wilson—12.

#### NOES.

Messrs. Bynum, Crandall, Day, Ferguson, Fiske, Flint, Gove, Hawthorne, Heintzelman, Mandeville, McCallum and McGee—12.

So the motion was lost.

Mr. Ferguson moved that the Bill be considered engrossed and read a third time.

Lost.

Mr. Mandeville moved that the Bill be ordered engrossed for a third reading.

Carried.

Mr. Burton offered the following resolution, which was adopted:

*Resolved*, That the Standing Committees of the Senate be required to return to the Senate all Bills in their possession that may have been referred to them, before the 7th day of the present month, or before Saturday next.

Mr. Hawks presented the following report:

*Mr. President :*

Although Chairman of the Committee to whom was referred Assembly Bill No. 2, generally known as the San Francisco Consolidation Bill, I find myself under the necessity of making a minority report upon the same. It is to be regretted that a bill of such grave importance as the one which is the subject of this report should meet with the mishap of creating by its provisions a difference of opinion in the minds of those to whom it has been referred, yet such unhappily is the case. The amendments which the Assembly has made to the Bill, while, for obvious reasons, they are a subject of animadversion to my colleagues, still for reasons quite as potent, meet my hearty approval. It is true that I have regretted their attachment to the Bill, but the regret has arisen less from a want of appreciation of their correctness and soundness in principle, than from an irresistible fear that their embodiment on the Bill may have a tendency ultimately to defeat its passage. Nevertheless, I cannot for that reason withhold from them my indorsement. They contemplate a thorough and radical improvement in the mode by which the people of my county have heretofore endeavored to express their will at the ballot box. They contemplate an abolition of the custom of leaving the choosing of a State officer to the votes of a single community, and they contemplate further, the preservation to the City of San Francisco, that city for whose protection, in every respect, this Bill purports to have been introduced—of whatever rights may hereafter, by process of law, be adjudicated to her. I cannot withhold from such amendments to such a Bill my cordial support. Although the City of San Francisco is on the verge of ruin and bankruptcy, and although the measure proposed in the Bill will rescue her, beyond a doubt, from her imminent peril; although her people are looking to this Legislature with pleading eyes for relief from their heavy burden; although the State of California must sensibly feel in the repletion or depletion of her treasury the defeat or passage of this measure of consolidation; and although I myself, together with my colleagues, will surely draw down upon our heads the indignation of our constituents if this Bill is defeated, still I can not conscientiously refuse to indorse such amendments to it as those the Assembly have adopted, and which meet with the disapproval of my colleagues.

I have feared, as before stated, that their introduction would finally defeat the Bill, and have therefore regretted their adoption lest an acknowledged great good should be sacrificed because a few measures quite as good are not connected with it. I trust, sir, my fears may prove groundless. If so, I shall be but too happy to know that this Bill contains provisions so wise, just and necessary as those embodied in the Assembly amendments. If not, I shall have the satisfaction of knowing, in the midst of the wreck which will follow the defeat of this Bill, that I have endeavored to do my duty to my constituents.

I have only to report in conclusion, that I fully concur with my colleagues in all the original amendments made to the Bill in the Senate Committee.

All of which is respectfully submitted.

W. W. HAWKS.

Mr. McCallum presented the following report:

*Mr. President :*

The Committee on Engrossed Bills have examined Senate Bill No. 146, entitled An Act to lease to Jotham Williams Tule Lands in the County of Yolo, and find the same correctly engrossed.

McCALLUM,  
Chairman Engrossing Committee.

The hour for the consideration of the Special Order having arrived, the Senate took up, on its third reading, Senate Bill No. 123, for An Act to provide for the survey and construction of Immigrant Wagon Roads across the Sierra Nevada Mountains.

Mr. Day moved to recommit the Bill to the Committee on Internal Improvements, with the following instructions.

Carried.

Amendments needed to the Wagon Road Bill :

In Section 2, on page 3, of Engrossed Bill, on line 4, strike out "Forrest City," and insert "Galloway's Ranch."

In Section 3, 9th line, of Engrossed Bill, strike out "Forrest City," and insert "Galloway's Ranch."

In Section 9, on first line, between "the" and "contractors," insert the words "surveyors, employees and".

In Section 12, at the end of 8th line after the word "of," insert the words "the words of".

In Section 15, at the end, in place of "the highest bid," the "next highest bid."

At the end of Section 2, strike out the last four and a half lines, after the words "Felippe Cañon," and transfer them to end of Section 3; also, strike out of the paragraph thus transformed, the words "*via* Columbia," and insert the words "starting from the head of Wood's Creeks."

Mr. Lippincott moved to add the following instructions :

Motion prevailed.

Instruct the Committee to insert the following Substitute for Section 6 :

SECTION 6. The said Board of Commissioners are hereby authorized to pay for the Survey made on the Henness Route, and the Slippery Ford and Carson Cañon Route, in the latter part of the year 1855, and in January, 1856, the amount and rate of compensation to be fixed by said Board of Commissioners, and the payment to be made out of the appropriations made by this Act for the two said roads respectively. And for the purpose of completing any surveys already partly made, or of making further surveys and estimates for other routes, the Surveyor-General of the State is hereby authorized, on the written requisition of the Commissioners, to appoint one or more competent Civil Engineers. The rate of compensation of such Engineers shall be fixed by the Commissioners. All surveys of roads under the provisions of this Act shall be subject to the supervision of the Surveyor-General; and all maps, plans, profiles and specifications shall, when completed, be returned and placed on file in the Surveyor-General's Office.

Assembly Concurrent Resolution in relation to the extinguishment of the Indian titles to the lands in this State, was taken up, and,

On motion of Mr. Burton, referred to the Committee on Indian Affairs.

Senate Bill No. 113, for the relief of Samuel J. Frisbie, was taken up, and,

On motion, placed at the foot of the Calendar.



The Senate took up Senate Bill No. 170, for the relief of Selim E. Woodworth.

The Bill was considered in Committee of the Whole, amended, reported back to the Senate, considered engrossed, read a third time, and passed.

Senate Bill No. 139, for the relief of Francis Hardy, was taken up, considered in Committee of the Whole, amended, reported back to the Senate, considered engrossed, read a third time, and passed.

The Senate took up Senate Bill No. 169, for the relief of Drs. H. & W. P. Gibbons, which was considered in Committee of the Whole, reported back to the Senate without amendment, considered engrossed, read a third time, and passed.

Mr. Gove asked two days' leave of absence for Mr. Ferguson.

Granted.

Assembly Bill No. 250, for the relief of Cyrus Rowe and his sureties, was taken up, considered in Committee of the Whole, and reported back to the Senate without amendment.

The Bill was read a third time, and, on the question of its passage, the ayes and noes were demanded by Messrs. McCallum, Burton and Gove, with the following result:

AYES.

Messrs. Ashley, Burnett, Bynum, Fiske, Flint, Gove, Hawks, Hawthorne, Lipincott, McCallum, McCoun and Rust—12.

NOES.

Messrs. Burton, Dosh, Heintzelman, Mandeville, McGee, Norman, Shaw, Waite and Wilson—9.

So the Bill was passed.

Mr. McCallum moved to reconsider the vote just taken.

Mr. Burton moved to lay the motion on the table.

Mr. Burnett moved to indefinitely postpone the motion to lay on the table.

The question was taken on Mr. Burton's motion.

Lost.

Mr. Hawks moved to indefinitely postpone the motion to reconsider.

Mr. Burton moved to make that motion the Special Order for to-morrow, at 12 o'clock, M.

Mr. Ashley moved the previous question.

Sustained.

And the question being, "Shall the main question be now put?"

The ayes and noes were demanded by Messrs. McCallum, McGee and Heintzelman, with the following result:

AYES.

Messrs. Ashley, Burnett, Bynum, Cosby, Crandall, Fiske, Flint, Gove, Hawks, Hawthorne, Lippincott, McCoun, Rust and Waite—14.

NOES.

Messrs. Burton, Dosh, Heintzelman, Mandeville, McCallum, McGee, Norman, Scellen, Shaw and Wilson—10.

So the motion prevailed.

The question recurring on the motion to make the motion to indefinitely postpone the Special Order for 12 o'clock, to-morrow.

Lost.

On the question to indefinitely postpone the motion to reconsider, the ayes and noes were demanded by Messrs. McCallum, Burton and Heintzelman, with the following result:

AYES.

Messrs. Ashley, Burnett, Bynum, Coffroth, Cosby, Crandall, Fiske, Flint, Gove, Hawks, Hawthorne, Lippincott, McCoun, Rust and Waite—15.

NOES.

Messrs. Burton, Dosh, Heintzelman, Mandeville, McCallum, McGee, McNeill, Norman, Scellen, Shaw and Wilson—11.

So the motion prevailed, and the motion to reconsider was indefinitely postponed.

On motion of Mr. Hawks, the Senate took from the table Senate Bill No. 73, to provide for the election or appointment of a Reporter of the Decisions of the Supreme Court, and for the publication of the same.

The question being on concurring in Assembly Amendments to Section 1, the ayes and noes were demanded by Messrs. Hawks, Rust and Coffroth, with the following result:

AYES.

Messrs. Burton, Bynum, Coffroth, Cosby, Day, De la Guerra, Fiske, Flint, Gove, Hawks, Hawthorne, McCoun, Rust, Scellen, Waite and Wilson—16.

NOES.

Messrs. Ashley, Crandall, McCallum, McGee, McNeill, Norman and Shaw—7.

So the amendment was concurred in.

The question being on concurring in the Assembly amendments to Section 3, the Senate concurred.

On motion of Mr. De la Guerra, the Senate adjourned.

---

IN SENATE.

WEDNESDAY, April 9th, 1856.

Senate met pursuant to adjournment.

Mr. Ashley, President *pro tem.*, in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of yesterday read and approved.

Mr. Coffroth presented a communication from S. H. Marlette, late Surveyor-General.

Referred to the Committee on Claims.

Mr. Burton presented the following report :

*Mr. President :*

Your Committee on Enrollment have examined and found correctly enrolled, an Act entitled "An Act amendatory of, and supplementary to, An Act concerning the organization of the Militia," passed April 25, 1855 ; and

An Act entitled An Act amendatory of and supplementary to an Act entitled "An Act to provide Revenue for the support of the Government of this State," passed May 15, 1854.

E. F. BURTON.

Mr. Day presented a couple of petitions from citizens of Oakland, in relation to the construction of a wharf at that place.

Referred to Senator Day.

Mr. Mandeville asked leave to introduce a Bill to authorize the purchase of the portraits of General Andrew Jackson and General John E. Wool.

Refused.

Mr. Mandeville then gave notice that he would introduce the Bill to-morrow.

Mr. Mandeville presented the following report :

*Mr. President :*

The Committee on Claims, to whom was referred the petition of R. C. Barry, beg leave to report a Bill for his relief, and recommend its passage.

J. W. MANDEVILLE.

Leave being granted, Mr. Mandeville introduced a Bill for An Act for the relief of Richard C. Barry.

Read a first and second times, and laid on the table.

Mr. Mandeville, from the Committee on Claims, reported back Assembly Bill No. 285, An Act appropriating money for the translation of certain laws into Spanish, which was considered in Committee of the Whole and amended.

After some time spent in Committee, the Bill was reported back to the Senate.

The Bill was read a third time.

The question being on its passage, the ayes and noes were demanded by Messrs. Shaw, Tilford and De La Guerra, with the following result :

AYES.

Messrs. Ashley, Burton, Coffroth, Fiske, Flint, French, Gove, Hawks, Lippincott, Mandeville, McGee, McNeill, Rust, Scellen and Waite—15.

NOES.

Messrs. Burnett, Bynum, Crandall, De La Guerra, Hook, McCallum, Shaw Tilford and Wilson—9.

So the Bill passed.

The following message was received from his Excellency, the Governor :



EXECUTIVE DEPARTMENT,  
Sacramento, April 9, 1856. }

*To the Senate of California :*

In compliance with a Resolution passed by your Honorable Body, I herewith return An Act to authorize the funding of the debt of the City of San José, and to provide for the payment of the same.

J. NEELY JOHNSON.

Mr. Day, on leave, moved that the vote be reconsidered by which the Act alluded to in the Governor's Message went to its third reading.

Agreed to.

On motion, the Bill was then referred to Senator Day.

Mr. Rust asked leave to introduce a Bill.

The question being on suspending the rules for the purpose of granting the privilege, the ayes and noes were demanded by Messrs. Rust, Coffroth and Norman, with the following result :

AYES.

Messrs. Burnett, Bynum, Coffroth, Cosby, Day, De La Guerra, Dosh, Fiske, Flint, French, Gove, Hawks, Hook, Lippincott, McNeill, Rust, Tilford and Watson—18.

NOES.

Messrs. Ashley, Crandall, McCallum, McCoun, Norman, Shaw and Waite—7.

So leave was granted,

And Mr. Rust introduced a Bill for An Act to create a Board of Commissioners to examine and settle the accounts of the Board of State Prison Directors.

Read a first time.

The question arose on reading the Bill a second time.

Mr. Norman objected.

Mr. Rust moved to suspend the rules, that the Bill might be read a second time.

The ayes and noes were demanded by Messrs. Norman, Scellen and Waite, with the following result :

AYES.

Messrs. Bynum, Coffroth, Day, De La Guerra, Dosh, Fiske, Flint, French, Gove, Hawks, Hawthorne, Lippincott, Rust, Scellen and Tilford—15.

NOES.

Messrs. Ashley, Burnett, Burton, Cosby, Crandall, Heintzelman, Hook, Mandeville, McCallum, McCoun, McGee, McNeill, Norman, Shaw, Waite, Wilson—16.

So the Senate refused to allow the Bill to be read a second time.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
Sacramento, April 8, 1856. }

*Mr. President :*

I am directed to inform the Senate, that the Assembly have passed Assembly Bill No. 295, An Act for the relief of William Jones; also,

Have concurred in Senate amendment to Assembly Bill No. 214, An Act to incorporate the Town of Eureka; and

Passed Senate Bill No. 131, An Act to provide for the Incorporation of Towns.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Bill No. 295, was read a first and second times, and referred to the Committee on Claims.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 9th, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly have concurred in Senate amendments to Assembly Bill No. 78, An Act to provide for the erection of a Jail in Tuolumne County; and

Have concurred in Senate concurrent Resolution in relation to fees of witnesses attending before Legislative Committees.

Respectfully Submitted,

J. M. ANDERSON,  
Clerk of Assembly.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 8, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly on this day passed Senate Bill No. 146, An Act to lease to Jotham Williams Tule Lands in the County of Yplo.

Respectfully submitted,

ALEX. M. HAYDEN,  
Ass't Clerk of Assembly.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
April 8, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed Senate Substitute for Senate Bill No. 79, An Act amendatory of, and supplementary to, an Act entitled "An Act to provide revenue for the support of the government of this State, passed May 15, 1854; and

Have appointed a Committee of Conference to confer with Senate Committee in relation to Bills Nos. 42 and 43, concerning crimes and punishments. The Committee consists of Messrs. McFarland, Upton and Carter.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Mr. Burton presented the following report:

*Mr. President :*

Your Committee on Enrollment presented the following Bills to the Governor: An Act entitled An Act amendatory of and supplementary to "An Act concerning the Organization of the Militia," passed April 25th, 1855; and

An Act entitled An Act amendatory of and supplementary to an Act entitled "An Act to provide Revenue for the support of the Government of this State," passed May 15th, 1854.

E. F. BURTON.

Mr. McCallum presented the following report:

*Mr. President :*

The Committee on Engrossed Bills have examined Senate Bill No. 170, An Act for the Relief of Selim E. Woodworth; and

Senate Bill No. 157, An Act to amend an Act entitled "An Act concerning Fraudulent Conveyances and Contracts," passed April 19, 1850.

And find the same correctly engrossed.

McCALLUM,  
Chairman.

The hour for the consideration of the first Special Order having arrived, being Senate Substitute for Bill No. 6, An Act concerning the War Debt of this State, and providing for the Redemption thereof.

On motion of Mr. Heintzelman the Bill was laid upon the table.

The second Special Order, Senate Bill No. 114, An Act to provide for the disposal of the forty-six thousand and eighty acres of land donated to the State of California for Seminary purposes, was, on motion, laid on the table.

The third Special Order was taken up, being Assembly Bill No. 2, for the Consolidation of the Governments of the City and County of San Francisco.

The Bill was considered in Committee of the Whole.

After some time so spent, the Committee rose and reported the Bill back to the Senate.

Mr. Coffroth moved to take up the Bill, section by section, and act upon the amendments proposed thereto.

Carried.

The Committee amendment to section three was concurred in.

On motion of Mr. Shaw, the word "roads," was inserted in the first section after the word "county."

On the question of concurring in the amendment proposed by the Committee to section five, the ayes and noes were demanded by Messrs. McCoun, French and Flint, with the following result:

AYES.

Messrs. Burton, Crandall, De la Guerra, Dosh, Flint, French, Gove, Heintzelman, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, Tilford and Wilson—16.

NOES.

Messrs. Ashley, Burnett, Bynum, Coffroth, Cosby, Hawks, McCallum, McCoun, McGee, Scellen, Waite and Westmoreland—12.

So the amendment was concurred in.

On the question of concurring in the fourth Committee amendment, the ayes and noes were demanded by Messrs. McCoun, Flint and Cosby, with the following result:

AYES.

Messrs. Burton, Crandall, De la Guerra, Dosh, Flint, French, Gove, Heintzelman, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, Tilford, Westmoreland and Wilson—17.

NOES.

Messrs. Ashley, Burnett, Bynum, Coffroth, Cosby, Hawks, McCallum, McCoun, McGee, Scellen and Waite—11.

So the amendment was concurred in.

On the question of concurring in the Committee amendment to section nine, the ayes and noes were demanded by Messrs. McCoun, Scellen and Hawthorne, with the following result:

AYES.

Messrs. Burton, Crandall, De la Guerra, Dosh, Flint, French, Gove, Heintzelman, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, Tilford and Wilson—16.



NOES.

Messrs. Ashley, Burnett, Bynum, Coffroth, Cosby, Hawks, McCallum, McCoun, McGee, Scellen, Waite and Westmoreland—12.

So the amendment was concurred in.

On the question of concurring in the Committee amendments to section ten, the ayes and noes were demanded by Messrs. McCoun, Ashley and Scellen, with the following result :

AYES.

Messrs. Burton, Crandall, De la Guerra, Dosh, Flint, French, Gove, Lippincott, Mandeville, McNeill, Norman, Shaw, Tilford, Westmoreland and Wilson—15.

NOES.

Messrs. Ashley, Coffroth, Cosby, Hawks, McCallum, McCoun, McGee, Scellen and Waite—9.

So the Committee amendments were concurred in.

Mr. Coffroth offered the following amendment to section ten of the Bill :

Strike out the words "which allowance shall be in full for salary, clerks, deputy and all other expenses incidental to the office."

Mr. Norman moved to amend the tenth section of the Bill by striking out all after the word "deputies."

Lost.

The question recurring on the amendment proposed by Mr. Coffroth, the ayes and noes were demanded by Messrs. Coffroth De la Guerra and Westmoreland, with the following result :

AYES.

Messrs. Burnett, Bynum, Coffroth, De la Guerra, Flint, Hawks, Rust and Westmoreland—8.

NOES.

Messrs. Ashley, Cosby, Crandall, Day, Dosh, Fiske, French, Gove, Hawthorne, Lippincott, Mandeville, McCallum, McCoun, McNeill, Norman, Shaw, Tilford and Wilson—18.

So the amendment was rejected.

Mr. Mandeville moved that all the amendments offered by the majority of the Committee be concurred in, the Bill considered engrossed, read a third time and passed.

The ayes and noes were demanded by Messrs. Coffroth, McCoun and Ashley.

Mr. McCoun asked for a division of the question, which was entertained.

And the question being on concurring in the Committee amendment to Section 13, the ayes and noes were taken, with the following result :

AYES.

Messrs. Burton, Crandall, Day, De la Guerra, Dosh, Flint, French, Gove, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, Tilford and Wilson—16.

NOES.

Messrs. Ashley, Burnett, Bynum, Coffroth, Cosby, Fiske, Hawks, Hawthorne, McCallum, McCoun, Scellen, Waite and Westmoreland—13.

So the amendment was concurred in.

The question being on concurring in the Committee amendment to Section 74, the ayes and noes were taken with the following result :

AYES.

Messrs. Crandall, Day, Dosh, Flint, French, Gove, Heintzelman, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw and Tilford—14.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Fiske, Hawks, Hawthorne, McCallum, McCoun, Scellen, Waite and Westmoreland—14.

So the amendment was rejected.

Mr. Westmoreland moved to reconsider the vote just taken, upon which the ayes and noes were demanded by Messrs. McCoun, Hawks and Coffroth, with the following result :

AYES.

Messrs. Crandall, Day, Dosh, Flint, French, Heintzelman, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw and Tilford—13.

NOES.

Messrs. Ashley, Burnett, Burton, Coffroth, Cosby, Fiske, Hawks, Hawthorne, McCallum, McCoun, Scellen, Waite and Westmoreland—13.

So the motion to reconsider was lost.

The question arose on concurring in the first Committee amendment to Section 14, and the Senate concurred.

On motion of Mr. Flint, the balance of the amendments proposed to the Bill by the Committee were adopted.

Mr. Coffroth moved to amend Section 29 of the Bill, by striking out all after the word "prisons," in the printed Bill.

Adopted.

On motion of Mr. Shaw, Section 30 was amended. by striking out the letter "s," in the word "regulations."

Mr. Coffroth moved to adjourn.

The ayes and noes were demanded by Messrs. Norman, Tilford and Flint, with the following result :

AYES.

Messrs. Coffroth, French, Lippincott, Mandeville, McNeill, Rust and Westmoreland—7.

NOES.

Messrs. Ashley, Burton, Crandall, Day, De la Guerra, Dosh, Fiske, Flint, Gove, Hawks, Heintzelman, McCoun, Norman, Shaw, Tilford, Waite and Wilson—17.

So the Senate refused to adjourn.

Mr. Hawks moved to amend the 7th sub-division of the schedule of the Bill, as follows :

Robert Gray, R. O. Tripp and F. Parish are hereby appointed as a Board of Commissioners, to act without any compensation, in the organization of said County of San Mateo, with powers and duties as hereinafter provided.

Adopted.

Mr. Burnett moved to adjourn.

The ayes and noes were demanded by Messrs. Tilford, Hawks and Norman, with the following result :

AYES.

Messrs. Ashley, Burnett, Coffroth, Crandall, Mandeville, McCoun and Westmoreland—7.

NOES.

Messrs. Burton, Bynum, Day, De la Guerra, Dosh, Fiske, Flint, Gove, Hawks, Heintzelman, Lippincott, McCallum, McNeill, Norman, Rust, Shaw, Tilford, Waite and Wilson—19.

So the Senate refused to adjourn.

Mr. Dosh moved that the further reading of the Bill be dispensed with.

Mr. Norman demanded the previous question.

Mr. Coffroth moved to adjourn.

The ayes and noes were demanded by Messrs. Tilford, Shaw and Heintzelman, with the following result :

AYES.

Messrs. Ashley, Burnett, Coffroth, Fiske, Mandeville, McCoun, Scellen and Westmoreland—8.

NOES.

Messrs. Burton, Bynum, Crandall, Day, De la Guerra, Dosh, Flint, French, Gove, Hawks, Heintzelman, Lippincott, McCallum, McNeill, Norman, Rust, Shaw, Tilford, Waite and Wilson—20.

So the Senate refused to adjourn.

The previous question was sustained ; and the question being "Shall the main question be now put ? "

The ayes and noes were demanded by Messrs. Coffroth, Mandeville and Westmoreland, with the following result :

AYES.

Messrs. Crandall, McNeill, Norman, Scellen, Westmoreland and Wilson—6.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Day, De la Guerra, Fiske, Flint, French, Hawks, Heintzelman, Lippincott, Mandeville, McCoun, Rust, Tilford and Waite—18.

So the Senate decided that the main question should not now be put.

Mr. Westmoreland moved to adjourn.

The ayes and noes were demanded by Messrs. Burnett, Westmoreland and Coffroth, with the following result :

AYES.

Messrs. Ashley, Burnett, Coffroth, Crandall, Dosh, Mandeville, McCallum, McCoun and Westmoreland—9.

NOES.

Messrs. Burton, Bynum, Day, De la Guerra, Fiske, Flint, French, Gove, Hawks, Heintzelman, Lippincott, McNeill, Rust, Scellen, Shaw, Tilford, Waite and Wilson—18.



So the motion was lost.

Mr. Norman moved to lay the Bill on the table.

Lost.

Mr. Hawks moved to make the Bill the Special Order for to-morrow at 12 o'clock, M.

Agreed to.

Mr. Norman moved to take from the table Assembly Bill No. 253, relating to the State Treasurer.

Lost.

On motion of Mr. Coffroth, the Senate adjourned.

---

## IN SENATE.

THURSDAY, April 10, 1856.

Senate met pursuant to adjournment.

Mr. Ashley, President *pro tem.* in the Chair.

Prayer by the Rev. Mr. Pratt.

Journal of yesterday read and approved.

Senate Bill No. 179, for An Act to create a Board of Commissioners to examine and settle the accounts of the Board of State Prison Directors, was read a second time and referred to the Committee on Claims.

Mr. Mandeville asked leave to introduce a Bill.

The ayes and noes were demanded by Messrs. Norman, Mandeville and Burnett, with the following result :

### AYES.

Messrs. Ashley, Coffroth, Cosby, Ferguson, French, Gove, Hawks, Hawthorne, Hook, Lippincott, Mandeville, McGee, Norman, Shaw and Tilford—15.

## NOES.

Messrs. Burnett, Burton, Crandall, Dosh, Fiske, Flint, Heintzelman, McCoun, McNeill, Rust, Scellen, Waite and Wilson—13.

So leave was refused.

Mr. Tilford presented a petition numerously signed by Jewish citizens of San Francisco, against the passage of a Sunday Law.

Referred to the Judiciary Committee.

Mr. Fiske, from the Committee on Internal Improvements, reported back Senate Bill No. 123, for An Act to provide for the Survey and Construction of Immigrant Wagon Roads across the Sierra Nevada Mountains.

Amended as per instructions, and the Bill went to the table.

Mr. Lippincott presented the following report :

*Mr. President :*

The Yuba Delegation, to whom was referred Assembly Bill No. 272, entitled An Act amendatory of, and supplementary to, the Act entitled "An Act to Incorporate the City of Marysville," have had the same under consideration, and beg leave to report the same back to the Senate, and ask that it may have immediate consideration.

C. E. LIPPINCOTT.

The Bill was taken up in Committee of the Whole, amended, reported back to the Senate, read a third time and passed.

Mr. McCallum presented the following report :

*Mr. President :*

The Judiciary Committee, to whom was referred Senate Bill No. 124, entitled An Act to amend and supplemental to an Act entitled "An Act to exempt the Homestead and other property from forced sale in certain cases," passed April 21, 1851, have had the same under consideration, and recommend its passage ; also,

Senate Bill No. 24, entitled An Act to provide for the publication of the Laws of this State, and beg leave to report the same back, and recommend it to the favorable consideration of the Senate ; also,

Assembly Bill No. 253, entitled An Act for the better protection of the State Treasury, and recommend its indefinite postponement ; and

Assembly Substitute for Bill 273, entitled An Act to amend "An Act concerning the courts of justice of this State and judicial officers," passed May 19, 1853, and recommend its indefinite postponement.

J. G. McCALLUM,  
Chairman.

The Bills were placed in order upon the Calendar.

Mr. Flint presented the following report :

*Mr. President :*

Your Committee on Contingent expenses have had under examination the accounts of J. C. Goods, for mileage as architect to measure the State Prison Wall, and beg leave to report a Resolution providing for the payment thereof.

WILSON FLINT.

The following Resolution accompanied the report :

*Resolved*, That the Controllor of State is hereby authorized to draw his warrant on the Treasurer in favor of J. C. Goods, for the sum of eighty-five dollars for mileage, as architect in measuring State Prison Wall, and the same shall be paid out of the Contingent Fund of the Senate.

The Resolution went to the Calendar.

Mr. Flint presented the following report :

*Mr. President :*

The San Francisco Delegation, to whom was referred Assembly Substitute-Bill No. 151, entitled An Act to regulate the Fire Department of San Francisco, have had the same under consideration, and have attached sundry amendments thereto, and recommend its passage as amended.

WILSON FLINT,  
Chairman.

The Bill was placed on the Calendar.

On motion of Mr. Norman, Assembly Bill No. 253, for An Act for the better protection of the State Treasury, was taken up and made the Special Order for to-morrow at 12 o'clock, M.

Mr. Hawks presented the following report :

The undersigned, from a minority of the Judiciary Committee, to whom was referred the Bill entitled "An Act to provide for the publication of the Laws of this State, as compiled and digested by Wm. H. R. Wood," beg leave to report :

That the undersigned has given the subject his impartial and deliberate examination, and is constrained by considerations of public duty, to oppose the passage of the Bill.

That the proper revision of the Laws of the State and their publication in a condensed and clear style, is an object of great public importance, and would contribute to the public convenience and interests, may be safely admitted, but the undersigned does not perceive that this Bill promises to accomplish that end.

We are asked to disburse the large sum of \$24,000 for merely collecting together the Statutes of this State and indexing and arranging them, and having them published ; this is an extravagant appropriation for such a service. It may be safely assumed that the cost of publication, out of this State, (and it is presumed it would be so published) would not be exceeding the sum of \$2,000, and if published in this State, the cost would not exceed \$4,000 ; but assume that it would cost \$5,000, then the whole labor of getting together the materials, and getting up the work, would not, it is confidently believed, be worth \$5,000 ; when the only thing done, is the semi-mechanical work of collecting and compiling the

Laws. Any competent clerk of moderate intelligence and expertness, could perhaps perform all this labor in the course of six or eight months, or at most, a year; and yet it is proposed to award the sum of \$19,000 for this purpose.

It will be borne in mind that the labor proposed to be done, is not such service as calls for or involves legal acumen, experience or ability. But the Bill is altogether improvident, without making any reflections upon, or in disparagement of, the talents, learning or fidelity of Mr. Wood; it may be safely said that the Legislature have no guarantee that the proposed work will answer, even the purposes it proposes. It must be taken on trust. It is, or will be a mere experimental effort at compilation and digestion; there is no such examination, and no such test of the fitness of the work or of the capacity of the editor for making it, as to justify the Legislature in making this large appropriation blind-fold.

The work must be well done, or it had better not be done at all; errors or omissions in the work might lead to the most serious consequences; a law omitted, or even a clause, sentence or word, might totally change its meaning, and lead to the most injurious results to the public interest as well as to individuals; the misconstruction of purpose of a law, or the misapprehension or ignorance of the construction put by the Courts upon particular clauses or words, might be of infinite and irreparable damage; such consequences have happened in other States by the unadvised reception of compiled statutes, the Legislature not perceiving, as they could not, without the most careful examination, these omissions or misconstructions or sometimes verbal inaccuracies before the book was adopted.

Another objection, and the strongest, to the passage of this Bill is, that it will not answer the purpose most desired by its adoption.

What the State needs is not a mere gathering together of Statute; the putting into one volume what may now be found in four or five; this is a matter of some convenience, it is true; but that is a thing of very subordinate consequence to the object of having a thorough and radical revision of the Statutes of the State, to make clear, simple, compendious, intelligible, complete and homogenous, laws, often passed in haste and in ignorance of their practical workings. Many of these laws are partial in their scope and operation, and some of them incongruous and contradictory in their different provisions, requiring constant amendment, and giving occasion for continual litigation; some of them unconstitutional, many badly worded, and many cumbrous, complicated and unnecessary.

To bring this class of legislation to something like system, to make the code of practice cheap, simple and clear; to purge all superfluities of expression and provisions, and to remove obscurities of phrase and arrangement, which now perplex our lawyers and judges, and render the criminal law especially, so difficult of execution, is a work absolutely required by the public necessities; but it is also a task that requires patience, learning, diligence and long professional experience. A Bill involving this purpose, has received the approval of the Judiciary Committee of the other House, and has met, I believe, the general concurrence of the members of that House and of the profession.

Should that Bill become a law, it would be wholly unnecessary to publish this work as proposed in the Bill, for the Commissioners under the House Bill could, within the time contemplated by this Bill, report to the Legislature a revision and compilation of the laws, with such suggestions of alterations and amendments as would, if adopted, render the work of Mr. Wood wholly useless; while the expense of this publication would be a very large proportion of the entire cost of the commission proposed in the House Bill.

The serious inconvenience under which the State is laboring in consequence of discordant and hasty legislation; the want of harmony and consistency in the different statutes and between the various provisions of the same statute; the various propositions for amendments of laws coming up at every session of the Legislature; the cumbrous machinery of a system of practice before untried; the



numerous obstacles presented in the way of the enforcement of plain rights; and the expenses, often unnecessary, attendant upon the vindication of plain causes of action which ought summarily to be disposed of; the radical vices of the criminal law in the quirks and quibbles which are allowed by useless statutory enactments and in the obsolete rules of the common law; these things absolutely require a revision of the statutes and the adoption of a plain common sense system which would be easily understood and administered, and by which causes would be summarily disposed of without unnecessary expense, and yet with entire respect to the rights of all concerned. Such a course would save the State and the people annually, an amount of money immensely greater than the outlay necessary to bring it about, besides being an immense saving of individual expense, and contributing to the enforcement and vindication of the law and the dignity of our jurisprudence.

Under these circumstances, and guided by these considerations, the undersigned opposes and reports against the Bill providing for the purchase of the book of Mr. Wood.

All of which is respectfully submitted.

W. W. HAWKS,  
of Committee.

Mr. Cosby, from the Committee on Indian Affairs, reported back Assembly Concurrent Resolution in relation to the extinguishment of Indian Land Titles.

On motion the resolution was concurred in.

Mr. Cosby presented the following report:

*To the Senate:*

Your committee to whom was referred a Bill for an Act entitled An Act to amend "An Act to protect owners of Growing Crops, Buildings and other Improvements in the Mining Districts of this State," approved April 25th, 1855, have had the same under consideration, and beg leave to report the same back to the Senate and recommend its passage.

D. COSBY,  
Chairman *pro. tem.*

The Bill was placed on the Calendar.

Mr. Burton presented the following report:

*Mr. President:*

The Enrolling Committee have examined An Act to amend "An Act to provide for the Incorporation of Railroad Companies," passed April 22, 1853, and amended May 15th, 1854, and amended April 10th, 1855; and,

An Act supplemental to an Act entitled "An Act making Appropriations for the Civil Expenses of the Government of this State," approved March 15, 1856, and find the same correctly enrolled.

E. F. BURTON.

Mr. McGee, from a Select Committee, reported back Assembly Bill No. 122, for An Act to create an Inspector of Pork, Beef and Salt Provisions in and for the County and City of San Francisco, etc., with a substitute.

The Bill and Substitute were placed on the Calendar.

The following message was received from His Excellency the Governor :

EXECUTIVE DEPARTMENT, }  
Sacramento City, April 9, 1856. }

*To the Senate of California :*

I have this day approved a Bill originating in the Senate, entitled An Act amendatory of, and supplementary to, an Act entitled "An Act to provide Revenues for the support of the Government of this State," approved May 15th, 1854.

Respectfully, your ob't serv't,

J. NEELY JOHNSON.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 9, 1856. }

*Mr. President :*

I am directed to inform the Senate, that the Assembly have reconsidered the vote by which Assembly Bill No. 214, An Act to Incorporate the Town of Eureka, passed ———, and have amended the first section of the Bill, second line, by striking out the word "and," and inserting the word "in." The concurrence of the Senate is respectfully requested.

J. M. ANDERSON,  
Clerk of Assembly.

On motion, the Senate refused to concur in the Assembly amendment to Section 1 of Assembly Bill No. 214.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 9, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly this day amended and passed Senate Bill No. 120, An Act to authorize the State Treasurer to pay certain Coupons.

Respectfully submitted,

A. M. HAYDEN,  
Ass't Clerk Assembly.

Assembly amendment to Senate Bill No. 120, on motion, was concurred in.

The hour for the consideration of the Special Order having arrived, being Assembly Bill No. 2, the San Francisco Consolidation Bill, on motion of Mr. French the same was laid temporarily on the table.

On motion, the Senate then took up the Senate Funding Bill No. 106.

On motion of Mr. French, the Senate refused to concur in the Assembly amendments to the Bill.

The Senate next took up Assembly Bill No. 2, the San Francisco Consolidation Act.

On motion of Mr. Shaw the 23d section of the Bill was amended by striking out the word "thirty," and inserting the word "thirty-five."

Mr. Tilford demanded the previous question.

Sustained.

And the question being "Shall the main question be now put?" it was carried.

The Bill was then read a third time, and the question being on its passage, the ayes and noes were demanded by Messrs. Coffroth, McCoun and Shaw, with the following result.

AYES.

Messrs. Crandall, Day, De la Guerra, Dosh, Flint, French, Gove, Hawks, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, Tilford, Waite and Wilson—18.

NOES.

Messrs. Ashley, Burnett, Bynum, Coffroth, Cosby, Ferguson, Fiske, Hawthorne, McCallum, McCoun and Scellen—11.

So the Bill was passed.

Mr. Shaw moved to reconsider the vote just taken.

Mr. Tilford moved to indefinitely postpone that motion.

The ayes and noes were demanded by Messrs. Coffroth, Cosby and Burnett, with the following result:

AYES.

Messrs. Burton, Crandall, Day, De la Guerra, Dosh, Flint, French, Gove, Hawks, Hook, Lippincott, Mandeville, McCallum, McNeill, Norman, Rust, Scellen, Shaw, Tilford, Waite and Wilson—21.

NOES.

Messrs. Ashley, Burnett, Coffroth, Cosby, Ferguson, Fiske and Hawthorne—7.

So the motion to indefinitely postpone the motion to reconsider prevailed.

Mr. Day presented the following report:

*Mr. President:*

The Select Committee to whom was referred the petitions of sundry citizens of the City of Oakland, praying for the confirmation by the State of a contract between said city and Rodman Gibbons, for building a wharf on Bay Street in said

city, have had the same under consideration, and in order to comply with the prayer of the petition, herewith ask leave to introduce a Bill for that purpose, and recommend its passage.

S. DAY,  
Select Committee.

Leave being granted, Mr. Day introduced a Bill for An Act to confirm the Contract between the City of Oakland and Rodmond Gibbons, for Building a Wharf on Bay Street in said City.

Read a first and second times and referred to Senator Day.

Mr. Day presented the following report:

*Mr. President :*

The Special Committee to whom was referred Senate Bill No. 81, entitled An Act for the relief of the Mayor and Common Council of the City of Sacramento, have had the same under consideration, and recommend its passage.

Also, to whom was referred Senate Bill No. 80, entitled An Act concerning Fines and Forfeitures imposed and collected in the Recorder's Court of the City of Sacramento and the custody of persons convicted therein, have had the same under consideration, and recommend the passage of the same, with the following amendments. Add the following proviso to Section 2d:

W. I. FERGUSON,  
A. S. GOVE.

The Bills were placed on the Calendar.

Mr. McCoun offered the following resolution:

*Resolved*, By the Senate, that the Enrolling Clerk be authorized to employ another Assistant Clerk, whose pay shall commence from the passage of this resolution.

Adopted.

Mr. Norman moved to take up Senate Bill No. 123, for An Act to provide for the Survey and Construction of Immigrant Wagon Roads across the Sierra Nevada Mountains.

Agreed to.

Mr. Day moved a call of the Senate.

Carried.

The Roll was called, and Senators Hawks, Lippincott, Flint and Westmoreland, were found to be absent without leave.

On motion of Mr. Burnett, further proceedings under the call were dispensed with.

The question arising on concurring in the amendments proposed by the Select Committee, as per instructions, on motion, they were concurred in.



The Bill was read a third time, and the question being on its passage, the ayes and noes were demanded by Messrs. Hawthorne, Burton and Flint, with the following result:

AYES.

Messrs. Burnett, Bynum, Coffroth, Crandall, Day, Dosh, Ferguson, Fiske, Flint, French, Gove, Hawks, Hook, Lippincott, McCallum, McGee, McNeill, Norman, Rust, Scellen and Tilford—21.

NOES.

Messrs. Ashley, Burton, Cosby, De la Guerra, Hawthorne, Heintzelman, Mandeville, Shaw and Waite—9.

So the Bill was passed.

Senate Bill No. 157, for An Act to amend an Act entitled "An Act concerning Fraudulent Conveyances and Contracts," passed April 19th, 1850, came up on its third reading.

After some discussion, Mr. Burton moved to indefinitely postpone the Bill.

The ayes and noes were demanded by Messrs. McCallum, Burton and Cosby, with the following result:

AYES.

Messrs. Ashley, Burton, Coffroth, Cosby, Dosh, French, Hook, Lippincott, McGee, McNeill, Norman, Scellen, Shaw, Tilford and Wilson—16.

NOES.

Messrs. Burnett, Bynum, Crandall, Day, Ferguson, Gove, Hawks, Hawthorne, Heintzelman, Mandeville, and McCoun—11.

So the Bill was indefinitely postponed.

Mr. Hawks rose to a privileged question, and made some remarks touching a publication in the *San Francisco Evening Bulletin*, over the signature of W. J. Shaw.

Messrs. Shaw and Coffroth addressed the Senate on the same subject.

Mr. Burton moved to reconsider the vote by which Senate Bill No. 157, was indefinitely postponed.

Mr. Norman moved to indefinitely postpone that motion.

The ayes and noes were demanded by Messrs. Hawthorne, Heintzelman and McCallum, with the following result:

AYES.

Messrs. Burton, Coffroth, Cosby, Dosh, French, Lippincott, McGee, McNeill, Norman, Scellen, Shaw, Tilford, Waite and Wilson—14.

## NOES.

Messrs. Bynum, Crandall, Day, Ferguson, Fiske, Gove, Hawks, Hawthorne, Heintzelman, Hook, Mandeville and McCallum—12.

So the motion to indefinitely postpone the motion to reconsider prevailed.

Leave was granted Mr. McCallum to change his vote from the affirmative to the negative on the indefinite postponement of the Bill.

## Bills on the Calendar—

Senate Bill No. 148, for An Act to require the Governor to submit to the people of the State at the next general election, an Act herein named, for their approval or rejection, was taken up, and on motion of Mr. Day, laid upon the table.

Senate Bill No. 113, for the Relief of Samuel J. Frisbie, was taken up, and on motion of Mr. Mandeville, indefinitely postponed.

The Senate took up Senate Bill No. 132, for An Act amendatory of the Act entitled An Act to Authorize the Formation of Corporations, etc., considered the Bill in Committee of the Whole and amended the same.

The Bill was reported back to the Senate and ordered to be engrossed for a third reading.

Senate Bill No. 165, for An Act for the Relief of Robert G. Crozier, was taken up, and on motion, laid upon the table.

Senate Bill No. 101, for An Act to regulate proceedings in Criminal Cases, was taken up.

Mr. Ferguson moved to indefinitely postpone the Bill, upon which the ayes and noes were demanded by Messrs. Ashley, Mandeville and McCoun, with the following result:

## AYES.

Messrs. Burnett, Bynum, Crandall, Dosh, Ferguson, Fiske, French, Gove, Hawthorne, Hook, Norman and Wilson—12.

## NOES.

Messrs. Ashley, Burton, Mandeville, McCoun, McNeill, Shaw and Waite—7.

So the Bill was indefinitely postponed.

Senate Bill No. 100, for An Act to amend An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, was taken up.

Mr. Ferguson moved to indefinitely postpone the Bill, upon which the ayes and noes were demanded by Messrs. Ashley, Fiske and French, with the following result:

AYES.

Messrs. Burnett, Bynum, Crandall, Ferguson, Fiske, French, Gove, Hawthorne, McCallum, Rust, Scellen and Wilson—12.

NOES.

Messrs. Ashley, Burton, Heintzelman, Mandeville, McNeill, Norman, Shaw and Waite—8.

So the Bill was indefinitely postponed.

The Senate took up Senate Bill No. 114, for An Act to provide for the disposal of the forty-six thousand and eighty acres of land donated to the State of California for Seminary purposes.

Mr. Ashley offered a substitute to the Bill.

On motion of Mr. McCallum, the Bill and substitute were referred to the Committee on Education.

Assembly Substitute to Senate Bill No. 127, concerning Estray Animals, was taken up, considered in Committee of the Whole, amended and reported back to the Senate.

On motion, the amendments made in Committee of the Whole were concurred in.

Mr. Day offered the following amendment to the last section of the Bill :

*Provided*, That the provisions of this section shall not apply to the counties of Santa Clara, Sonoma, Marin, Mendocino and Solano.

Lost.

Mr. Heintzelman moved to indefinitely postpone the Bill.

Lost.

Mr. Heintzelman moved to except the counties of Sonoma, Marin, Mendocino, and Yuba, from the provisions of the Bill.

Pending the consideration of the amendment, on motion of Mr. Gove, the Senate adjourned.

## IN SENATE.

FRIDAY, April 11, 1856.

Senate met pursuant to adjournment.

Lieutenant-Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of yesterday read and approved.

Mr. Burton, from the Committee on Enrollment, was granted permission to correct Senate enrolled Bill No. 120, in order to relieve it from the objection of tautology.

A communication was read from the Grand Division of the Sons of Temperance, dated at San Francisco, requesting the present Legislature to pass an Act re-submitting to the people the question of deciding for or against a Prohibitory Liquor Law; and

A communication from the same, dated at Sacramento, asking the use of the Senate and Assembly Halls during the vacation of the same by the Legislature, in which to hold the Conventions of the Order of the Sons of Temperance.

Mr. Norman, moved to refer the communications to a 'Special Committee, to consist of Messrs. Westmoreland, Lippincott, Ferguson and Hawks.

Mr. McCallum moved to refer them to the Committee on Public Morals and Police.

The ayes and noes were demanded by Messrs. McCallum, French and Fiske, with the following result:

## AYES.

Messrs. Ashley, Burton, Cosby, Day, Fiske, Lippincott, Mandeville, McCallum, McCoun, McNeill, Rust, Scellen, Shaw, Tilford and Waite—15.

## NOES.

Messrs. Burnett, Coffroth, Crandall, De la Guerra, Dosh, Flint, French, Gove, Hawthorne, Heintzelman, Hook and Norman—12.

So the motion prevailed, and the communications were so referred.

Mr. Day presented the following report:



*Mr. President :*

The Committee on Public Morals and Police, to whom was referred Assembly Substitute for Assembly Bill No. 87, entitled An Act for the better observance of the first day of the week, commonly called Sunday, herewith report the same back for the consideration of the Senate.

S. DAY,  
Chairman.

The Bill was placed on the Calendar.

Mr. Hawthorne presented the following report :

*Mr. President :*

The Committee on Claims, to whom was referred the petition of John P. Sharkey, have had the same under consideration, and report the same back and recommend that the Bill be passed.

Your Committee are aware that the petitioner has no legal claim under the existing laws, but they are also of the opinion, that in justice, some relief should be granted. The vouchers upon which said claim is principally formed, have been lost, but your Committee are aware of the facts contained herein, to wit : That the petitioner furnished vaccine matter to many persons for which he received no compensation, and many such persons were not able to pay for the same ; also, for the purpose of procuring good and fresh vaccine virus by the inoculation of a cow, that said cow died, and petitioner was compelled to pay for the same.

All of which is respectfully submitted.

J. C. HAWTHORNE,  
J. W. MANDEVILLE.

Mr. Shaw moved to indefinitely postpone the Bill.

Lost.

Objection being made to the third reading of the Bill, it was laid on the table.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 11, 1856. }

*Mr. President :*

I am directed to inform the Senate, that the Assembly have passed Senate Bill—

No. 87, An Act amendatory of, and supplementary to, the Act entitled "An Act to regulate the settlement of the estates of deceased persons ;" and

No. 170, An Act for the relief of Selim E. Wordworth.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
 April 11, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed Assembly Bill—

No. 283, An Act to create a Board of Commissioners to examine War Claims in the Counties of Klamath, Siskiyou and Humboldt ; also,

No. 117, An Act concerning Hogs found running at large in the Counties of Marin and Santa Clara ; also,

No. 184, An Act to prevent owners of Saw Mills, and other persons, from obstructing the channels of Humboldt Bay and Harbor ; also,

No. 183, An Act declaring Big Slough and Butcher's Slough, in Humboldt County, navigable ; also,

No. 182, An Act to fix the compensations of the District Attorney and County Judge for the County of Humboldt ; also,

No. 122, An Act to authorize county authorities to work convicts in certain cases ; also,

No. 188, An Act to amend the Act entitled "An Act concerning forcible entries and unlawful detainers," passed April 22, 1850 ; also,

No. 177, An Act relative to advertising for the redemption of Controller's Warrants ; also,

No. 208, An Act amendatory of the Act entitled "An Act to regulate the settlement of the estates of deceased persons, passed May 1, 1851 ; also,

No. 195, An Act to amend the Act entitled "An Act to create a Board of Supervisors for the County of San Diego, and to define their duties," passed May 3, 1852 ; also,

No. 217, An Act to authorize the Board of Supervisors of Humboldt County to levy a Special Tax for certain purposes, and to provide for collecting the same ; also,

No. 201, An Act to amend the Act entitled "An Act concerning the Independent Order of Odd Fellows ;" and

No. 186, An Act concerning County Officers in the County of Nevada ; also, Substitute for Bill No. 121, An Act appropriating Money's for the benefit of the Orphan Asylum of San Francisco and San Raphael ; and

No. 296, An Act supplemental to An Act to create the County of Tehama, to define its boundaries and to provide for its organization.

Respectfully submitted,

ALEX. M. HAYDEN,  
 Ass't Clerk of Assembly.

The following Assembly Bills, reported in the foregoing message, were acted upon in the order recited :

Nos. 182, 183, 184 and 217, were read a first and second times, and referred to the Humboldt Delegation.

No. 283 was read a first and second times.

On motion of Mr. Cosby, the rules were suspended, the Bill read a third time and passed.

Nos. 188 and 208 were read a first and second times, and referred to the Judiciary Committee.

No. 177 was read a first and second times, and referred to the Committee on Finance.

No. 195 was read a first and second times, and referred to Senator Wilson.

No. 296 was read a first and second times.

On motion, the rules were suspended, the Bill read a third time and passed.

No. 201 was read a first and second times, and referred to the Committee on Corporations.

No. 186 (Substitute Bill) was read a first and second times, and referred to the Nevada Delegation.

No. 117 (Substitute Bill) was read a first and second times, the rules suspended, considered in Committee of the Whole, amended, reported back to the Senate, and on motion, the Committee amendments concurred in.

No. 121 (Substitute Bill) was read a first and second times, and referred to the Committee on Hospitals.

On motion, the Bill was referred to the Committee on Agriculture.

No. 122, (Substitute Bill,) was read a first and second times and referred to the Judiciary Committee.

No. 253 was read a first and second times.

On motion, the rules were suspended, the Bill considered in Committee of the Whole, reported back to the Senate, and on motion of Mr. Ashley, made the Special Order for to-morrow at 12 o'clock, M.

Mr. Burton presented the following report:

*Mr. President :*

The Committee on Enrollment have examined and found correctly enrolled, an Act entitled An Act to provide for the appointment of Reporter of the Supreme Court, and to define his duties and compensation ; also,

An Act to authorize the State Treasurer to pay certain coupons ; and

An Act to lease to Jotham Williams Tule Lands in the County of Yolo.

E. F. BURTON.

On motion of Mr. French, the Senate took up and considered in Committee of the Whole, Senate Substitute Bill No. 6, Concerning the War Debt of this State.

After some time spent in Committee, where the Bill was amended, it was reported back to the Senate.

Mr. Mandeville moved to lay the Bill upon the table.

The ayes and noes were demanded by Messrs. Lippincott, McCoun and Hook, with the following result :

AYES.

Messrs. Burton, Crandall, Day, Dosh, Flint, French, Gove, Heintzelman, Hook, Lippincott, McNeill, Norman, Rust, Shaw, Tilford, Waite and Wilson—17.

NOES.

Messrs. Ashley, Burnett, Bynum, Coffroth, Cosby, Fiske, Hawthorne, McCallum, McCoun, McGee, Scellen and Westmoreland—12.

So the motion prevailed, and the Bill was laid upon the table.

On motion of Mr. Hawks, Senate Bill No. 165, An Act for the relief of R. G. Crozier, was taken up.

On motion, considered engrossed, read a third time and passed.

Mr. McCallum presented the following report:

*Mr. President :*

The Committee on Engrossed Bills have examined Senate Bill No. 132, An Act amendatory of the Act to authorize the formation of Corporations, etc., and find the same correctly engrossed.

McCALLUM,  
Chairman.

Leave being granted, Mr. Shaw presented a petition numerously signed, from citizens of San Francisco, in favor of the passage of a Registry Act.

Read and referred to the Committee on Elections.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 11th, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly have concurred in several of the Senate amendments to Assembly Bill No. 2, being the San Francisco Consolidation Bill, and have refused to concur in several amendments to the Bill. The amendments as concurred in, or not, are shown in the Bill.

The Assembly have concurred in Senate amendments to Bill No. 272, An Act amendatory of, and supplementary to, An Act to Incorporate the City of Marysville.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Bill No. 2, the San Francisco Consolidation Bill, was taken up.



Mr. McCoun moved that a Committee of Free Conference, to consist of five Senators, be appointed, to confer with a like Committee on the part of the Assembly, with regard to the disagreeing votes of the two Houses on the Bill.

Mr. Tilford moved that the 15th Rule of the Senate be suspended, and that the Senate appoint the proposed committee.

The ayes and noes were demanded by Messrs. McCoun, McGee and Hawthorne, with the following result: .

AYES.

Messrs. Bynum, Crandall, Day, Dosh, Flint, French, Gove, Hawks, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Rust, Shaw, Tilford, Waite and Wilson—18.

NOES.

Messrs. Ashley, Burnett, Coffroth, Cosby, Fiske, Hawthorne, McCallum, McCoun, McGee and Scellen—10.

So the motion requiring a two-thirds vote was lost.

On motion of Mr. Mandeville, the Bill was laid upon the table.

Mr. Day presented the following report:

*Mr. President:*

The Select Committee to whom was committed Senate Bill No. 180, An Act to confirm the Contract between the City of Oakland and Rodmond Gibbons, for building a Wharf on Bay Street in said city, has had the same under consideration, and herewith report the same back and recommend its passage, with the following provisos:

S. DAY,  
Select Committee.

On motion of Mr. Mandeville, the Bill was referred to the Judiciary Committee, with instructions to report it back by Monday next.

On motion of Mr. Cosby, the Senate reconsidered the vote by which it refused to concur in the Assembly amendment to Assembly Bill No. 214, An Act to Incorporate the Town of Eureka.

On motion of Mr. Cosby, the Senate concurred in the amendment.

On motion of Mr. French, the Senate adjourned.

## IN SENATE.

SATURDAY, April 12, 1856.

Senate met pursuant to adjournment.

Lieutenant Governor in the Chair.

Prayer by Rev Mr. Pratt.

Journal of yesterday read and approved.

Mr. Coffroth presented the following report :

*Mr. President :*

The Committee on Corporations, to whom was referred Assembly Bill No. 201, An Act to amend An Act entitled An Act concerning the Independent Order of Odd Fellows, respectfully report the same back with an amendment to the title, and recommend the passage of the Bill.

J. W. COFFROTH.

On motion of Mr. Coffroth, the rules were suspended, the amendment concurred in, and the Bill read a third time and passed.

Mr. Burton presented the following report :

*Mr. President :*

The Nevada Delegation, to whom was referred An Act concerning County Officers in the County of Nevada, report the same back and recommend its immediate passage.

WAITE,  
BURTON.

On motion of Mr. Waite the rules were suspended, the Bill read a third time and passed.

Mr. Heintzelman presented the following report :

*Mr. President :*

Your Committee on Agriculture have had under consideration Assembly Bill No. 117, beg leave to report the same back to the Senate with amendments, and recommend its passage.

HEINTZELMAN,  
Chairman.

On motion of Mr. Heintzelman, the rules were suspended, the Bill read a third time and passed.

Mr. Fiske presented the following report:

*Mr. President:*

A majority of the Hospital Committee to whom were referred the Substitute for Assembly Bill No. 121, An Act appropriating moneys for the benefit of the Orphan Asylum of the City of San Francisco and San Rafael, have had the same under consideration and would respectfully report the same back and recommend its passage.

HENRY M. FISKE,  
Chairman.

On motion of Mr. Fiske, the rules were suspended, the Bill read a third time and passed.

Mr. Ashley, from the Committee on Claims, leave being granted, introduced a Bill for An Act concerning certain expenses pertaining to the office of Surveyor-General, and to appropriate money for the payment of the same.

On motion of Mr. Mandeville, the rules were suspended, the Bill read a first and second times, considered in Committee of the Whole and amended.

Pending the consideration of a motion to lay the Bill on the table, the Special Order was called for, being Assembly Bill No. 253, for An Act for the Better Protection of the State Treasury.

Mr. Coffroth moved to lay the Special Order on the table.

The ayes and noes were demanded by Messrs. Crandall, Hook and Norman, with the following result:

AYES.

Messrs. Burnett, Burton, Bynum, Coffroth, Cosby, Dosh, Fiske, Hawks, Hawthorne, Mandeville, Rust, Scellen, Waite and Westmoreland—14.

NOES.

Messrs. Ashley, Crandall, French, Gove, McCallum, McCoun, McNeill, Norman and Mr. President—9.

So the motion prevailed, and the Bill was laid on the table.

Mr. Norman moved to take up Senate Substitute Bill No. 6, in relation to the War Indebtedness of the State.

Mr. Coffroth raised a point of order, that previous to the consideration of the Special Order, the regular Orders of the day had not been gone through with.

The Chair (Mr. French) decided the point of order well taken.

Mr. Norman appealed from the decision of the Chair and raised the following point of order :

That the Chair had just decided that a motion is in order, by admitting a motion to lay the Bill on the table ; and that it is not now in order to say that a motion for the purpose of taking up a Bill is out of order.

The question being " Shall the decision stand as the judgment of the Senate ? " the ayes and noes were demanded by Messrs. Coffroth, Norman and McCoun, with the following result :

AYES.

Messrs. Ashley, Burton, Coffroth, Cosby, Dosh, Fiske, Gove, Hawks, Hawthorne, Hook, Mandeville, McCallum, McCoun, McNeill and Scellen—15.

NOES.

Messrs. Bynum, Crandall, Norman and Rust—4.

So the decision of the Chair was sustained.

Mr. Burton presented the following report :

*Mr. President :*

The Committee on Enrollment have examined and find correctly enrolled an Act entitled An Act to regulate the estates of deceased persons ; also,

An Act to provide for the Incorporation of Towns ; and

An Act for the relief of Selim E. Woodworth.

E. F. BURTON.

Mr. Ashley, from the Committee on Claims, reported back a Substitute to the Bill for An Act concerning certain expenses pertaining to the office of Surveyor-General, etc.

On the question of suspending the rules to consider the Bill, the ayes and noes were demanded by Messrs. Heintzelman, McCoun and Norman, with the following result :

AYES.

Messrs. Ashley, Bynum, Coffroth, Fisk, Gove, Hawks, Hawthorne, McCallum, Rust, Scellen, Shaw, Tilford, Waite and Westmoreland—14.

NOES.

Messrs. Burnett, Burton, Cosby, Crandall, Dosh, French, Heintzelman, Hook, Mandeville, McCoun, McNeill, Norman and Wilson—13.

The motion requiring a two-thirds vote, was lost.

Mr. Norman moved to suspend the rules, in order to take up Assembly Bill No. 253, An Act for the better protection of the State Treasury.



The ayes and noes were demanded by Messrs. Norman, Hawks and Crandall, with the following result :

## AYES.

Messrs. Crandall, Fiske, French, Gove, Hook, Lippincott, Mandeville, McNeill, Norman, Waite and Wilson—11.

## NOES.

Messrs. Burnett, Bynum, Coffroth, Cosby, Dosh, Flint, Hawks, Hawthorne, McCoun, McGee, Rust, Scellen, Shaw, Tilford and Westmoreland—15.

So the motion was lost.

Mr. Gove moved to suspend the rules, in order to take up Assembly Substitute Bill No. 69.

Lost.

Mr. Wilson presented the following report :

*Mr. President :*

The Committee to whom was referred Assembly Bill No. 195, An Act to amend "An Act to create a Board of Supervisors for the County of San Diego and to define their duties," passed May 3d, 1853, have had the same under consideration and respectfully return the same back to the Senate and recommend its passage.

B. D. WILSON.

On motion of Mr. Wilson, the rules were suspended, the Bill read a third time and passed.

Mr. Cosby presented the following report :

*Mr. President :*

Your Committee, to whom were referred Assembly Bill No. 182, entitled An Act to fix the compensation of the District Attorney and County Judge of the County of Humboldt, have had the same under consideration, and beg leave to report the same back and recommend its passage ; also,

Assembly Bill No. 183, entitled An Act declaring Big and Butcher's Sloughs, in Humboldt County, navigable, and recommend its passage ; also,

Assembly Bill No. 184, entitled An Act to prevent the owners of saw-mills and other persons from obstructing the channels of Humboldt Bay and Harbor, and recommend its passage ; and

Assembly Bill No. 217, entitled An Act to authorize the Board of Supervisors of Humboldt County to levy a Special Tax for certain purposes, and to provide for collecting the same, and recommend its passage.

J. D. COSBY.

The Bills were placed respectively on the Calendar.

On motion of Mr. Mandeville, the rules were suspended, and the Senate took up Assembly Bill No. 222, for An Act to re-incorporate the City of Sonora.

Read a third time and passed.

Mr. McCoun presented the following report :

*Mr. President :*

The Finance Committee, to whom was referred Assembly Bill No. 177, entitled An Act relative to advertising for the redemption of Controller's Warrants, have had the same under consideration, and ask leave to report the same back to the Senate, and recommend its passage without amendments.

W. H. McCOUN.  
Chairman.

Mr. McCoun moved that the rules be suspended, in order that the Bill might be considered now.

The ayes and noes were demanded by Messrs. Norman, French and Hawks, with the following result :

AYES.

Messrs. Bynum, Coffroth, Cosby, Day, Hawthorne, Heintzelman, Mandeville, McCoun, McNeill and Wilson—10.

NOES.

Messrs. Ashley, Burnett, Crandall, Dosh, Flint, French, Gove, Hawks, Hook, Lippincott, McCallum, Norman, Tilford and Waite—14.

To the Senate refused to consider the Bill.

On motion of Mr. Shaw, the San Francisco Consolidation Bill was taken up.

Mr. Shaw moved that a Committee of Free Conference be appointed.

Carried.

Mr. Norman moved to take from the table Assembly Bill No. 253, An Act for the Better Protection of the State Treasury.

Agreed to.

On motion of Mr. Rust, the Bill was made the Special Order for Tuesday next, at 12 o'clock, M.

Mr. McCoun moved to suspend the rules, in order to take up Assembly Bill No. 152.

Lost.

Mr. Heintzelman offered the following resolution :

*Resolved*, That the Secretary of the Senate is hereby directed to respectfully request the Assembly to return to the Senate, Assembly Bill No. 127, entitled An Act concerning Estrays, the same having been erroneously reported to the Assembly as having passed the Senate.

Adopted.

Mr. Hawks moved to take up the Bill for An Act to create a Board of Commissioners to examine and settle the Accounts of the Board of State Prison Directors.

Mr. Coffroth moved a call of the Senate.

Carried.

The Roll was called, and the following Senators were found to be absent without leave: Messrs. Ferguson, French, Gove, De la Guerra and Westmoreland.

On motion of Mr. Burton, further proceedings under the call was dispensed with.

Mr. Hawks withdrew his motion.

Mr. French moved to take up Assembly Substitute Bill No. 6, concerning the War Indebtedness of this State.

Agreed to.

Mr. Hawks moved to make the Bill the Special Order for Tuesday next, at 1 o'clock.

The ayes and noes were demanded, with the following result:

AYES.

Messrs. Burnett, Burton, Bynum, Coffroth, Cosby, Day, Dosh, Fiske, Gove, Hawks, Hawthorne, McCallum, McCoun, McGee, Rust, Scellen and Waite—17.

NOES.

Messrs. Crandall, Flint, French, Heintzelman, Hook, Lippincott, Norman and Wilson—8.

So the motion prevailed.

The President announced the following Senators a Committee of Free Conference on the disagreeing vote of the two Houses on the San Francisco Consolidation Bill, viz: Messrs. Shaw, Coffroth, McCoun, Hawks and Burton.

Mr. Hawks offered the following resolution :

*Resolved*, That the President of the Senate be requested to add Mr. Tilford and another Senator, to the Committee on Free Conference on the San Francisco Consolidation Bill.

Mr. McCallum moved as a substitute, that the President be requested to appoint two more Senators on the committee.

Concurred in.

The President appointed Messrs. Tilford and Ashley.

Mr. Lippincott moved to adjourn.

The ayes and noes were demanded by Messrs. Shaw, McCallum and French, with the following result :

AYES.

Messrs. Cosby, Crandall, Flint, French, Gove, Hawks, Heintzelman, Hook, Lippincott, Mandeville, McGee, McNeill, Norman, Scellen and Tilford—15.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Day, Dosh, Fiske, Hawthorne, McCallum, Shaw, Waite and Wilson—13.

So the motion prevailed and the Senate stood adjourned.

---

IN SENATE.

MONDAY, April 14th, 1856.

Senate met pursuant to adjournment.

Lieutenant Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of Saturday read and approved.

Mr. Scellen presented a petition from citizens of Sierra County, asking certain exemptions under the Homestead Act, which was read and referred to Senator Scellen.

Mr. Burton presented the following report :



*Mr. President :*

Your Committee on Enrollment have this day presented to the Governor—

An Act to provide for the appointment of a Reporter of the Supreme Court, and to define his duties and compensation ; also,

An Act to authorize the State Treasurer to pay certain coupons ; also,

An Act to lease to Jotham Williams tule lands in the County of Yolo ; also,

An Act to provide for the incorporation of Railroad Companies ; also,

An Act supplemental to the Act entitled "An Act making appropriations for the Civil expenses of the Government of this State, approved March 15, 1856 ; also,

An Act to provide for the incorporation of towns ; also,

An Act for the relief of Selim E. Wordworth ; and,

An Act to regulate the estate of deceased persons.

E. F. BURTON.

Mr. French presented the weekly account of the Sacramento Postmaster, which was referred to the Committee on Contingent Expenses.

Mr. McNeill presented the following report :

*Mr. President :*

Your Special Committee, to whom was referred Assembly Bill No. 163, An Act to exempt Merced County from the provisions of an Act passed April 11, 1854, entitled "An Act concerning County Judges," have had the same under consideration, and have made the following amendments thereto, and recommend its passage as amended.

McNEILL.

On motion of Mr. McNeill, the rules were suspended, the Bill considered in Committee of the Whole, reported back to the Senate, the Committee amendments concurred in, the bill read a third time and passed.

On motion of Mr. Mandeville, the Senate took up Senate Bill No. 181, An Act concerning certain expenses pertaining to the office of Surveyor-General, and to appropriate money for the payment of the same.

Mr. McCallum moved to make the Bill the Special Order for half past 12 o'clock this day.

Lost.

The Bill was read a third time, and the question being on its passage, the ayes and noes were demanded by Messrs, Norman, Hook and McCallum, with the following result :

AYES.

Messrs. Burton, Bynum, Coffroth, Dosh, Fiske, Gove, Heintzelman, Mandeville, McCoun, McNeill, Scellen, Tilford and Waite—13.

## NOES.

Messrs. Ashley, Burnett, Cosby, Flint, French, Hook, McCallum, McGee, Norman and Wilson—9.

So the Bill passed.

Mr. Day presented the following report :

*Mr. President :*

The Select Committee, to whom was referred Assembly Bill No. 126, An Act to provide for the salary of the Treasurer of Alameda County, have had the same under consideration, and herewith report the same back, and recommends its passage with the following amendments.

S. DAY.  
Select Committee.

On motion of Mr. Day, the rules were suspended, the Committee amendments concurred in, the bill read a third time and passed.

Bills on the Calendar—

Assembly Bill No. 27, for An Act concerning estrays, was taken up, considered in Committee of the Whole, reported back to the Senate, read a third time and passed.

Mr. Ashley asked leave to introduce a Resolution.

The Chair (Mr. French) ruled the Resolution out of order.

Mr. Ashley appealed from the decision of the Chair.

The question being, "Shall the decision of the Chair stand as the judgment of the Senate?" it was decided in the affirmative, and the decision of the Chair was sustained.

Senate Bill No. 132, for An Act amendatory of the Act authorizing the formation of corporations, was taken up, considered in Committee of the Whole, amended, reported back to the Senate, the Committee amendments concurred in, the bill read a third time and passed.

Assembly Substitute for Bill No. 69, An Act to amend an Act entitled "An Act to create a Board of Supervisors in the Counties of this State, and define their Duties and Powers," passed March 20th, 1852, was taken up, considered in Committee of the Whole, amended, reported back to the Senate, and the Committee amendments concurred in.

Mr. Crandall moved further to amend the Bill by striking out the word "Amador."

The ayes and noes were demanded by Messrs. Heintzelman, Norman and Crandall, with the following result :

AYES.

Messrs. Crandall, Dosh, Flint, French, Gove, Hawthorne, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Shaw, Tilford and Wilson—15.

NOES.

Messrs. Ashley, Burnett, Bynum, Coffroth, Cosby, Ferguson, Fiske, Hawks, McCallum, McCoun, McGee, Scellen and Westmoreland—13.

So the amendment was adopted, and Amador stricken out.

Mr. Ashley moved to amend the seventh section of the Bill by adding the following :

*Provided*, That in the County of Monterey an allowance may be made to the Clerk, not to exceed four hundred dollars per annum, for all his services.

Adopted.

Mr. Heintzelman moved to strike out so much of the Bill as related to Sonoma County.

Agreed to.

The Bill was then read a third time and passed.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee to whom was referred Assembly Bill No. 104, entitled An Act to amend an Act entitled "An Act to regulate Fees of Office," passed April 10th, 1855, have had the same under consideration, and recommend its passage with the following amendments in the first section :

W. I. FERGUSON,  
Chairman.

On motion of Mr. Ferguson, the rules were suspended, the Bill taken up, considered in Committee of the Whole, amended, reported back to the Senate, the committee amendments concurred in, and the Bill read a third time and passed.

Leave being granted, Mr. Mandeville presented the account of E. S. Brown, against the State, for rent of building.

Referred to the Committee on Claims.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills have examined Senate Bill No. 181, An Act concerning certain expenses pertaining to the office of Surveyor-General, and

to appropriate money for the payment of the same, and find the same correctly engrossed.

McCALLUM,  
Chairman.

Senate Bill No. 151, An Act to create the County of Aromas, was taken up and considered in Committee of the Whole.

Mr. Mandeville moved to adjourn.

The ayes and noes were demanded by Messrs. Burton, Gove and Cosby, with the following result :

AYES.

Messrs. Burnett, Crandall, Day, Dosh, Flint, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Tilford and Wilson—15.

NOES.

Messrs. Ashley, Burton, Bynum, Coffroth, Cosby, Hawks, Hawthorne, McCoun, McGee, Scellen and Westmoreland—11.

So the Senate stood adjourned.

---

IN SENATE.

TUESDAY, April 15, 1856.

Senate met pursuant to adjournment.

Mr. Ashley, President *pro tem.* in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of yesterday read and approved.

Leave being granted, Mr. Hawthorne introduced a Bill for An Act to enable the County of Placer to take and hold stock in any company having for its object the extension of the Sacramento Valley Railroad to the town of Auburn.



On motion of Mr. Hawthorne, the rules were suspended, the Bill read three separate times and passed.

Leave being granted, Mr. Shaw introduced a Bill for An Act requiring information from certain officers in this State, which was read a first and second times and referred to the Committee on Claims.

Mr. Coffroth presented the following report :

*Mr. President :*

The Committee on Corporations to whom was referred Senate Bill No. 108, An Act to authorize the formation of Water Companies, report the same back with amendments, and recommend its adoption.

JAMES W. COFFROTH,  
Chairman.

The Bill was placed on the Calendar.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee have had under consideration Assembly Bill No. 160, entitled An Act to submit the question of the removal and location of the County Seat of Sutter County to the voters of said county, and beg leave to report the same back and recommend its passage ; also,

Senate Bill No. 155, entitled An Act to amend the Act concerning Elections, and recommend its passage ; also,

Assembly Bill No. 188, entitled An Act concerning Forcible Entries and Unlawful Detainers, passed April 22d, 1850, and recommend that the first section of the Bill be stricken out, and the Bill be passed ; and

Assembly Bill No. 82, entitled An Act to Regulate the Business of Bankers, and recommend its indefinite postponement.

I. W. FERGUSON.

The Bills enumerated in the report was placed on the Calendar :

The following Message was received from his Excellency, the Governor :

EXECUTIVE DEPARTMENT, }  
Sacramento City, April 10, 1856. }

*To the Senate of California :*

I herewith return, without approval, to your honorable Body, in which it originated, An Act to provide for the payment of Thomas F. W. Price, for services rendered, money expended, and supplies furnished to the volunteers, in an expedition under his command, against the hostile Indians, in the northern portions of Yolo and Napa Counties, during the year 1851.

I conceive it is amply sufficient for the purposes of this Message, to call attention to the position in which the existing bond holders of war indebtedness are placed by the adoption of section fourth of this Act, which reads as follows :

All such bonds shall be issued and signed in the same manner that bonds were issued and signed under the provisions of the Act referred to in section first of this Act, and are hereby placed upon the same footing, and made payable in the same

manner as bonds issued under said Act, and the Act to which this section alludes is described in section first as being entitled "An Act authorizing the Treasurer of State to issue bonds for the payment of the expenses of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey Expeditions against the Indians," approved May 3d, A. D. 1852; Bonds to be issued under the provisions of the Act under consideration therefor, and to be placed on the same footing and to be paid in the same manner as the bonds issued under the War Debt Act just referred to as approved on the 3d May, 1852.

The inquiry now presents itself when or where these bonds were to be paid? An examination of it will show that they were made payable out of any moneys which may be appropriated by Congress to defray the expenses incurred by the State of California in the suppression of Indian hostilities, or out of the proceeds of the sales of Public Lands, etc.

The only Act of Congress which has ever made an appropriation for this purpose is that of August 5th, 1854, in the following words:

*"And be it further enacted,* That the Secretary of War be and is hereby authorized and directed to examine into and ascertain the amount of expenses incurred and money actually paid by the State of California, in the suppression of Indian hostilities within the said State prior to the first of January, A. D. 1854, and that the amount of such expenses, when so ascertained, be paid into the Treasury of said State, provided that the sum so paid shall not exceed in amount the sum of \$924,259 65, which amount is hereby appropriated out of any moneys in the Treasury not otherwise appropriated."

It will be here perceived that the amount of money appropriated is to defray the expenses incurred and now actually paid, to wit: On the 5th of August, 1854, by the State of California, in the suppression of Indian hostilities within said State prior to the 1st of Jan. 1854. Before that time the State had paid, by the issuance of the War Bonds and Warrants, which with the accumulated interest exceeds the entire sum appropriated, about \$200,000.

Now can an amount of money allowed to this State for a special object; i. e., that of indebtedness prior to the first day of January, 1854, and which, in anticipation had been sacredly pledged to the redemption of the bonds and warrants issued by the State by a subsequent Act, be diverted to another purpose—that of indebtedness which has to be paid after that date? Such an attempt would be an unconstitutional invasion of the rights of those bondholders for whose benefit the Act of Congress was passed who have in that amount of money so appropriated, a vested right which the operation of this Act to the extent of \$12,000, seeks to deprive them.

Whilst it may be entirely competent for the State to pay this obligation, I hold that it is a clear violation of the Constitution to pay it, or any part of it, out of the money already appropriated by Congress for the payment of the debt prior to the 1st Jan. 1854, and as such is the effect of the Act, I am constrained, from a sense of duty, to return it for your further consideration.

J. NEELY JOHNSON.

The question being, "Shall the Bill pass the Senate by a two-thirds vote, notwithstanding the objections of the Governor," the roll was called with the following result:

AYES.

Messrs. Bynum, Ferguson, French, Gove, Hawks, Hawthorne, Heintzelman, Hook, Lippincott, Mandeville, Rust, Tilford and Westmoreland—13.

## NOES.

Messrs. Ashley, Burnett, Burton, Crandall, Day, Dosh, Fiske, Flint, McCallum, McCoun, Norman, Scellen, Shaw, Waite and Wilson—15.

So the Senate refused to pass the Bill.

The following message was received from His Excellency the Governor :

EXECUTIVE DEPARTMENT, }  
Sacramento, April 14th, 1856. }

*To the Honorable the Senate of the State of California :*

I have this day approved An Act amendatory of, and supplementary to "An Act concerning the organization of the Militia," passed April 25, 1855, which originated in the Senate ; also,

An Act to amend an Act entitled "An Act to provide for the Incorporation of Railroad Companies," passed April 22, 1853, and amended May 15, 1854, and amended April 10, 1855 ; also,

An Act amendatory of, and supplementary to, an Act entitled "An Act to regulate the settlement of estates of deceased persons," passed May 1st, 1851 ; also,

An Act to authorize the State Treasurer to pay certain coupons ; and

An Act for the relief of Selim E. Woodworth.

J. NEELY JOHNSON.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
Sacramento, April 14, 1856. }

*Mr. President :*

I am directed to inform the Senate that on the 11th instant, the Assembly indefinitely postponed Senate Bills Nos. 90 and 91, concerning Corporations ; also, on Saturday, the 12th instant, refused to concur in certain amendments, as therein shown, made by the Senate to Assembly Bill No. 117, concerning hogs found running at large in certain counties ; and,

Appointed Messrs. Sharp, Hawes, Oxley, Rhodes, Wier, Dustin and Haskell, a Committee of Free Conference on the disagreeing vote of the two Houses on Assembly Bill No. 2, relative to Consolidation of the City and County of San Francisco.

Respectfully Submitted,

ALEX. M. HAYDEN,  
Assistant Clerk of Assembly.

The Senate took up Assembly Bill No. 117, and on motion, refused to concur in the Assembly amendments.

On motion of Mr. Burnett, a Committee of Free Conference was appointed to consult with a like Committee of the Assembly, on the disagreeing votes.

The Chair, on behalf of the Senate, appointed Messrs. Burnett, McCoun and Heintzelman, said Committee.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
Sacramento, April 14, 1856. }

*Mr. President :*

I am directed to inform the Senate, that the Assembly have passed Senate Bill No. 97, An Act to create the County of Fresno, to define its boundaries and provide for its organization, with an amendment thereto; and

Bill No. 45, An Act to Incorporate the City of Nevada, with amendments thereto.

Respectfully Submitted,

J. M. ANDERSON,  
Clerk of Assembly.

On motion, the Senate concurred in the Assembly amendments to Senate Bill No. 97.

On motion, the Senate concurred in Assembly amendments to Senate Bill No. 45.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 12, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly, on yesterday, passed Assembly Bill No. 298, An Act relating to the Thirteenth Judicial District and to define the time of holding the Courts in said District.

Respectfully submitted,

ALEX. M. HAYDEN,  
Ass't Clerk of Assembly.

On motion of Mr. Mandeville the rules were suspended, the Bill read a third time and passed.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 14, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed Assembly Bills—

No. 296, for An Act to prevent frauds in elections, and to define the duties of electors in the incorporated towns and cities of this State; also,

Substitute of the Judiciary Committee for Bills Nos. 123, 131, 204, 234, 171; also,

Senate Bill No. 9, for An Act amendatory of, and supplementary to, the Act entitled "An Act to regulate proceedings in civil cases in the courts of justice of this State, passed April 29, 1851, and amended May 18, 1853, and May 18, 1854, and March 29, 1855, and April 28, 1855, and May 4, 1855; also,

No. 218, An Act to amend Section 23 of an Act to regulate fees of office, passed April 10, 1855; also,



Substitute for Bill No. 128, An Act entitled An Act to extend the time of commencing the construction of certain Railroads herein named, approved April 25, 1855 ; also,

No. 225, for an Act to provide for assessing an additional tax in the County of Trinity ; and,

No. 205, for an Act to legalize records in the County of Solano.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Bill No. 269 was read a first time, and objection being made to its second reading,

Mr. Burton moved to suspend the rules, that the Bill might be read a second time.

Lost.

Assembly Substitute for Bills Nos. 123, 131, 204, 234, 271, 218, and Senate Bill No. 9, were read a first and second times, and referred to the Judiciary Committee.

Assembly Substitute Bill No. 128, was read a first and second times, and referred to the Committee on Corporations.

Assembly Bill, No. 225, was read a first and second times, and referred to the Senator from Trinity County.

Assembly Bill No. 205, was read a first and second times, and referred to Senator Bynum.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
Sacramento, April 15, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly have refused to concur in Senate amendments to Assembly Bill No. 27, An Act concerning Estray Animals.

Respectfully Submitted,

J. M. ANDERSON,  
Clerk of Assembly.

The Senate refused to recede from its amendments.

On motion of Mr. Ashley, the Chair was authorized to appoint a Committee of Free Conference on the disagreeing votes on the Bill.

The Chair appointed Messrs. Ashley, Heintzelman and Bynum said Committee.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 14, 1856. }

*Mr. President:*

I am directed to inform the Senate that the Assembly have passed the following Concurrent Resolution in relation to a Joint Convention to elect a United States Senator.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly concurrent Resolution :

*Resolved*, the Senate concurring, That the Senate and Assembly of the State of California convene in Joint Convention on the nineteenth day of April, A. D. 1856, at twelve o'clock, M., for the purpose of electing a United States Senator to fill the vacancy now existing.

Mr. Coffroth moved to lay the resolution on the table.

The ayes and noes were demanded by Messrs. McCoun, French and Hawks.

Mr. French moved a call of the Senate.

The ayes and noes were demanded by Messrs. Coffroth, Norman and Heintzelmon, with the following result :

AYES.

Messrs. Crandall, Day, Dosh, Flint, Gove, Lippincott, Mandeville, McGee, McNeill and Norman—10.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Ferguson, Fiske, French, Hawks, Hawthorne, Heintzelman, McCallum, McCoun, Rust, Scellen, Waite, Westmoreland and Wilson—13.

So the Senate refused a call of the Senate.

The question was taken on laying on the table, with the following result :

AYES.

Messrs. Mandeville and Wilson—2.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Day, Ferguson, Fiske, French, Gove, Hawks, Hawthorne, Heintzelman, McCallum, McCoun, McNeill, Norman, Rust, Scellen, Shaw, Tilford, Waite and Westmoreland—23.

So the Senate refused to lay the resolution on the table.

Mr. French moved to indefinitely postpone the resolution.

The ayes and noes were demanded by Messrs. French, McCoun and Hawks, with the following result :

## AYES.

Messrs. Crandall, Day, Dosh, Flint, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, Tilford and Wilson—16.

## NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Ferguson, Fiske, Hawks, Hawthorne, McCallum, McCoun, McGee, Scellen, Waite and Westmoreland—15.

So the resolution was indefinitely postponed.

Mr. Mandeville moved to reconsider the vote just taken.

Mr. Shaw moved to indefinitely postpone the motion to reconsider.

The ayes and noes were demanded, with the following result :

## AYES.

Messrs. Crandall, Day, Dosh, Flint, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, Tilford and Wilson—16.

## NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Ferguson, Fiske, Hawks, Hawthorne, McCallum, McCoun, McGee, Scellen, Waite and Westmoreland—15.

So the motion prevailed.

Mr. Coffroth offered the following resolution :

*Resolved*, That the Rev. Mr. Pratt, Chaplain of the Senate, is hereby granted permission to use the Senate Chamber on Sunday morning next, for the purpose of Divine worship.

Adopted.

Mr. Burton rose to a privileged question, and read an article from the *State Tribune*, signed by S. A. McMeans, concerning which he indulged certain remarks.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee to whom was referred Assembly Bill No. 208, have had the same under consideration, and recommend its passage.

W. I. FERGUSON,  
Chairman.

The Bill was placed on the Calendar.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee, to whom was referred Assembly Bill No. 33, entitled An Act relative to Escheated Estates, have had the same under consideration and recommend its passage.

W. L. FERGUSON,  
Chairman.

The Bill was placed on the Calendar.

The hour for the consideration of the Special Order having arrived, the Senate took up Assembly Bill No. 283, An Act for the Better Protection of the State Treasury.

After the Bill had been considered in Committee of the Whole, and reported back to the Senate,

Mr. McCallum moved to strike out its third section.

Mr. Hawks moved a call of the Senate, upon which the ayes and noes were demanded by Messrs. Lippincott, Cosby and Coffroth, with the following result :

AYES.

Messrs. Bynum, Coffroth, Cosby, Dosh, Fiske, Hawks, Hawthorne, Heintzelman, Lippincott, McCallum, Rust and Westmoreland—12.

NOES.

Messrs. Ashley, Burnett, Burton, Crandall, Day, Gove, Hook, Mandeville, McCoun, McNeill, Norman, Shaw, Waite and Wilson—14.

So the motion was lost.

On striking out the Third Section of the Bill, the ayes and noes were demanded by Messrs. Cosby, Hawks and Norman, with the following result :

AYES.

Messrs. Burton, Bynum, Coffroth, Cosby, Dosh, Fiske, Hawks, Lippincott, McCallum, Rust and Westmoreland—11.

NOES.

Messrs. Ashley, Burnett, Crandall, Day, Gove, Heintzelman, Hook, Mandeville, McCoun, McNeill, Norman, Shaw, Waite and Wilson—14.

So the motion was lost.

Mr. Dosh moved to strike out the enacting clause of the Bill.

The ayes and noes were demanded by Messrs. Hawks, Rust and Cosby.



Mr. Hawks moved a call of the Senate, upon which the ayes and noes were demanded, with the following result :

AYES.

Messrs. Bynum, Coffroth, Cosby, Dosh, Fiske, Gove, Hawks, Heintzelman, Lippincott, McCallum, Rust and Westmoreland—12.

NOES.

Messrs. Ashley, Burnett, Burton, Crandall, Day, Hawthorne, Hook, Mandeville, McCoun, McNeill, Norman, Shaw, Waite and Wilson—14.

So the motion was lost.

Mr. Norman demanded the previous question.

Sustained.

And the question being, "Shall the main question be now put?"

The ayes and noes were demanded by Messrs. Hawks, McCoun and Heintzelman, with the following result :

AYES.

Messrs. Ashley, Burnett, Burton, Crandall, Day, Gove, Hawthorne, Hook, Mandeville, McCoun, McNeill, Norman, Shaw, Waite and Wilson—15.

NOES.

Messrs. Bynum, Coffroth, Cosby, Dosh, Fiske, Hawks, Heintzelman, McCallum and Westmoreland—9.

So the motion prevailed.

The question being on striking out the enacting clause of the Bill, the ayes and noes were demanded with the following result :

AYES.

Messrs. Burton, Bynum, Coffroth, Dosh, Fiske, Hawks, Lippincott, McCallum, Rust and Westmoreland—10.

NOES.

Messrs. Ashley, Burnett, Crandall, Day, Gove, Hook, Mandeville, McCoun, McNeil, Norman, Shaw, Waite and Wilson—13.

So the motion was lost.

The main question being the third reading of the Bill, the ayes and noes were demanded by Messrs. McCoun, Cosby and Waite, with the following result :

## AYES.

Messrs. Burnett, Crandall, Gove, Hawthorne, Hook, Mandeville, McCoun, McNeill, Norman, Shaw, Waite and Wilson—13.

## NOES.

Messrs. Ashley, Burton, Bynum, Coffroth, Cosby, Dosh, Fiske, Hawks, Heintzelman, Lippincott, McCallum, Rust and Westmoreland—12.

So the motion prevailed.

The Bill was read a third time, and on its final passage, the ayes and noes were demanded by Messrs. Hawks, Westmoreland and Dosh, with the following result :

## AYES.

Messrs. Ashley, Burnett, Crandall, Flint, Gove, Hook, Mandeville, McCoun, McNeill, Norman, Shaw, Waite and Wilson—13.

## NOES.

Messrs. Burton, Bynum, Coffroth, Cosby, Dosh, Fiske, Hawks, Lippincott, McCallum, McGee, Rust and Westmoreland—12.

So the Bill passed.

Mr. Ashley moved to reconsider the vote just taken.

Mr. Norman moved to indefinitely postpone that motion.

The ayes and noes were demanded by Messrs. Hawks, Heintzelman and Cosby, with the following result :

## AYES.

Messrs. Ashley, Burnett, Crandall, Flint, Gove, Hook, Mandeville, McCoun, McNeill, Norman, Shaw, Waite and Wilson—13.

## NOES.

Messrs. Burton, Bynum, Coffroth, Cosby, Dosh, Fiske, Hawks, Heintzelman, Lippincott, McGee, Rust and Westmoreland—12.

So the motion prevailed, and the motion to reconsider was indefinitely postponed.

The second Special Order of the day was taken up, being Senate Substitute for Assembly Bill No. 6, relating to the war indebtedness of the State.

Mr. McCoun moved a call of the Senate, which was sustained.

The roll was called and Senators Rust and Lippincott found to be absent without leave.

On motion of Mr. Cosby, further proceedings under the call were dispensed.

Mr. French moved to make the Bill the Special Order for to-morrow at 12 o'clock, M.

Lost.

The Bill was considered in Committee of the Whole, and reported back to the Senate.

The question arose on concurring in the Committee amendment, to strike out the name of A. J. Phelan from the Bill, and insert that of S. B. Smith.

Mr. Ashley offered the following amendment to the Committee amendment :

Strike out all of Section One to the word "are," in the second line, and insert the words "Samuel B. Smith and J. W. Denver."

Mr. French moved to amend the amendment by inserting the name of "A. J. Phelan" after that of "J. W. Denver."

Mr. Rust raised the point of order that the motion of Mr. French was not in order, because offered before the adoption of the amendment to which it was offered as an amendment.

The Chair decided the point of order well taken.

Mr. French appealed from the decision of the Chair, and raised, as the basis of his appeal, the following point of order :

"Mr. Ashley offers an amendment to the amendments made in the Committee of the Whole, the Chair entertains the motion, and from that decision Mr. French appeals."

The question being, "Shall the decision of the Chair stand as the judgment of the Senate?" it was decided in the affirmative, and the decision of the Chair sustained.

On the question of adopting the amendment offered by Mr. Ashley, the ayes and noes were demanded by Messrs. Mandeville, French and Heintzelman, with the following result :

AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Ferguson, Fiske, Hawks, Hawthorne, McCoun, McGee, Rust, Scellen, Waite and Westmoreland—15.

NOES.

Messrs. Day, Dosh, Flint, French, Gove, Heintzelman, Lippincott, Mandeville, McNeill, Norman, Shaw, Tilford and Wilson—13.

So the amendment was adopted.

Mr. French moved to insert the name of "Mr. Phelan" between those of "Messrs. Smith and Denver."

The ayes and noes were demanded by Messrs. French, Mandeville and Hawks, with the following result:

AYES.

Messrs. Burton, Crandall, Day, Flint, French, Gove, Heintzelman, Lippincott, Mandeville, McNeill, Norman, Shaw, Tilford and Wilson—14.

NOES.

Messrs. Ashley, Burnett, Bynum, Coffroth, Cosby, Ferguson, Fiske, Hawks, Hawthorne, McCoun, McGee, Rust, Seellen, Waite and Westmoreland—15.

So the amendment was rejected.

Mr. Shaw offered the following Substitute to the Bill:

SECTION 1. The Secretary of War of the United States is hereby authorized, by himself, or by any person whom he may appoint for that purpose, to examine all the books, accounts, vouchers and papers, in the custody, or under the control of any officers of this Government; and the officers of this State are hereby directed and required to give and extend to the said Secretary of War or the person by him appointed for that purpose, every facility in their power to examine and ascertain the amount of expenses incurred and now actually paid by this State in the suppression of Indian hostilities within this State, prior to the first day of January, in the year 1854, as authorized and directed in the Act of Congress entitled "An Act making Appropriations for the support of the Army for the Year ending June 13th, 1855," approved August 5th, 1855.

On the question of adopting the Substitute, the ayes and noes were demanded by Messrs. Shaw, Flint and Hawthorne, with the following result:

AYES.

Messrs. Crandall, Dosh, Flint, French, Gove, Heintzelman, Lippincott, Mandeville, McNeill, Norman, Shaw and Wilson—12.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Day, Ferguson, Fiske, Hawthorne, McCoun, Rust, Seellen, Waite and Westmoreland—15.

So the Substitute was rejected.

Mr. Ashley offered the following amendment to the second section of the Bill:

Strike out all of the first line of the said section to the word "authorize," and insert the words "either of said Commissioners;" and strike out all between the word "deliver," in line eight, and the word "on," in line nine, and insert the words "to either of said Commissioners."

Adopted.

Mr. Burnett demanded the previous question.



Not sustained.

Mr. Norman moved to postpone the further consideration of the Bill until the 3d of April next.

The ayes and noes were demanded by Messrs. Waite, French and Scellen, with the following result :

AYES.

Messrs. Crandall, Day, Dosh, Flint, French, Heintzelman, Lippincott, Mandeville, McNeill, Norman, Shaw, Tilford and Wilson—13.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Fiske, Hawthorne, McCoun, McGee, Rust, Scellen, Waite and Westmoreland—14.

So the motion was lost.

Mr. Norman moved to adjourn.

The ayes and noes were demanded by Messrs. Scellen, McGee and Fiske, with the following result :

AYES.

Messrs. Crandall, Day, Dosh, Flint, French, Gove, Heintzelman, Lippincott, Mandeville, McNeill, Norman, Shaw, Tilford and Wilson—14.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Fiske, Hawks, Hawthorne, McCoun, McGee, Rust, Scellen, Waite and Westmoreland—15.

So the motion was lost.

Mr. Ashley offered the following amendment to the Bill : Insert as substitute for Section 12—

SECTION 12. A. J. F. Phelan is hereby constituted and appointed Clerk to the Commissioners herein before named, whose duty it shall be to proceed to the City of Washington and remain with said Board, as long as they may deem his services necessary. Said Clerk to act under the direction of said Commissioners, or either of them ; and in the event of his failure or refusal to comply with the directions of said Commissioners, the said Board may remove him from office, and appoint in his stead such person as they may deem proper ; *provided*, the full amount to be paid to said Phelan, or to such person as may be appointed in his stead, shall not, in the aggregate, exceed the sum of thirty-eight hundred dollars. The Clerk of the Board shall, on the completion of the duties devolving on him by this Act, or from time to time, as may be deemed proper by the Governor and Controller of State, receive compensation for his services and traveling expenses ; said amount to be fixed by the Governor and Controller of State aforesaid,—but shall not, in the aggregate, exceed the sum of thirty-eight hundred dollars ; and on

the order of said Governor and Controller, the Controller shall issue warrants not exceeding said sum, to be paid out of any moneys in the State Treasury not otherwise appropriated.

Mr. Heintzelman moved to strike out the name of Mr. Phelan.

Mr. Norman moved to postpone the further consideration of the Bill until the 24th of April, inst.

Mr. Coffroth demanded the previous question.

Mr. French moved a call of the Senate, upon which the ayes and noes were demanded by Messrs. Lippincott, Heintzelman and French, with the following result:

AYES.

Messrs. Crandall, Day, Dosh, Flint, French, Gove, Heintzelman, Lippincott, Mandeville, McNeill, Norman, Shaw, Tilford and Wilson—14.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Ferguson, Fiske, Hawthorne, McCoun, McGee, Rust, Scellen, Shaw, Waite and Westmoreland—15.

So a call of the Senate was refused.

The previous question was then sustained.

The question being "Shall the main question be now put?" the ayes and noes were demanded by Messrs. Heintzelman, Mandeville and French with the following result:

AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Ferguson, Fiske, Hawthorne, McCoun, McGee, Rust, Scellen, Waite and Westmoreland—15.

NOES.

Messrs. Crandall, Day, Dosh, Flint, French, Gove, Heintzelman, Lippincott, Mandeville, McNeill, Norman, Shaw, Tilford and Wilson—14.

So the main question was ordered to be now put.

The question being on the motion to postpone the further consideration of the Bill till the 24th inst., the ayes and noes were demanded by Messrs. Mandeville, French and Lippincott with the following result:

AYES.

Messrs. Crandall, Dosh, Flint, French, Gove, Heintzelman, Lippincott, Mandeville, McNeill, Norman, Shaw, Tilford and Wilson—13.

## NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Ferguson, Fiske, Hawthorne, McCoun, McGee, Rust, Scellen, Waite and Westmoreland—15.

So the motion was lost.

The question being on the motion of Mr. Heintzelman to strike out the name of Mr. Phelan, it was lost.

The question recurred on the adoption of the amendment offered by Mr. Ashley.

The ayes and noes were demanded by Messrs. Norman, Heintzelman and French, with the following result :

## AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Ferguson, Fiske, French, Hawthorne, McCoun, McGee, Rust, Scellen, Waite and Westmoreland—16.

## NOES.

Messrs. Crandall, Day, Flint, Gove, Heintzelman, Lippincott, Mandeville, McNeill, Norman, Shaw and Wilson—11.

So the amendment was adopted.

Mr. Ashley offered the following amendment to section thirteen of the Bill :

Strike out the words "any two," in line four, and insert the words "either of the."

The amendment was adopted.

Mr. Ashley offered the following amendment, which was adopted.

Strike out section fourteen and insert as substitute for section fourteen, "The said Samuel B. Smith shall execute a good and sufficient bond to the State of California in the sum of \$20,000, and the said A. J. F. Phelan shall execute a bond in the sum of \$5,000, each of which bonds shall be approved by the Governor, and conditioned for the faithful performance of the duties imposed by this Act; and after executing said bonds before entering upon their official duties, etc., as in printed bill. The bonds required to be given by this section shall be filed in the office of the Secretary of State, within ten days from and after the passage of this Act. Upon a failure to comply with the foregoing provision, the office or offices hereby created shall be deemed vacant, and the power to fill the same is hereby vested in the Governor of this State.

On motion of Mr. Ashley, section fifteen of the Bill was stricken out.

Mr. Ashley offered the following amendment :

Insert as section seventeen, "The sum of \$5,000 is hereby appropriated in payment of the services of the said Samuel B. Smith, as Commissioner under this

Act, and it is hereby made the duty of the Controller of this State, to draw his warrant upon the State Treasurer for one-half part of said sum in favor of the said Samuel B. Smith, so soon after he shall have qualified as he may be requested so to do by the said Smith. The remainder of said sum shall be paid to said Smith whenever he shall have performed the duties imposed upon him by this Act, or whenever in the discretion of the Governor it shall seem proper."

On the question of adopting the amendment, the ayes and noes were demanded by Messrs. Mandeville, Gove and Heintzelman, with the following result:

## AYES.

Messrs. Ashley, Burnett, Bynum, Coffroth, Cosby, Ferguson, Fiske, Hawthorne, McCoun, McGee, Rust, Scellen, Waite and Westmoreland—14.

## NOES.

Messrs. Crandall, Dosh, Flint, French, Gove, Heintzelman, Lippincott, Mandeville, Norman, Shaw and Tilford—11.

So the amendment was adopted.

On the question of reading the Bill a third time, the ayes and noes were demanded by Messrs. Mandeville, Heintzelman and Gove, with the following result:

## AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Ferguson, Fiske, Hawthorne, McCoun, McGee, Rust, Scellen, Waite and Westmoreland—15.

## NOES.

Messrs. Crandall, Day, Dosh, Flint, French, Gove, Heintzelman, Lippincott, Mandeville, Norman, Shaw and Tilford—12.

So the Bill was read a third time.

The question being on its passage, the ayes and noes were demanded by Messrs. Mandeville, Gove and Heintzelman, with the following result:

## AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Ferguson, Fiske, Hawthorne, McCoun, McGee, Rust, Scellen, Waite and Westmoreland—15.



NOES.

Messrs. Crandall, Day, Flint, French, Gove, Heintzelman, Lippincott, Mandeville, Norman, Shaw, Telford and Wilson—12.

So the Bill passed.

Mr. Ashley moved to reconsider the vote just taken.

Mr. Coffroth moved to indefinitely postpone the motion.

Mr. Mandeville moved to adjourn.

Lost.

The question was taken on the motion to indefinitely postpone the motion to reconsider.

Prevailed.

On motion of Mr. Lippincott, the Senate adjourned.

---

IN SENATE.

WEDNESDAY, April 16, 1856.

Senate met pursuant to adjournment.

Lieutenant-Governor in the Chair.

Prayer by the Rev. Mr. Pratt.

Journal of yesterday read and approved.

Mr. Ashley rose to a privileged question, touching a publication in the morning papers, over the signature of Dr. S. A. McMeans.

Leave being granted, Mr. McCoun offered the following resolution :

*Resolved*, By the Senate, that we, as Senators, do sustain the report of the committee who were authorized to examine the books of the late State Treasurer, Dr. McMeans, and do believe that said committee have discharged their duty faithfully, and in accordance with their obligations as members of this body.

Mr. Hawthorne offered the following as a substitute :

*Resolved*, That we believe the committee appointed by the Senate and Assembly to examine the books of Dr. S. A. McMeans, late State Treasurer, have discharged their duties consistently.

Mr. Dosh offered the following as a substitute to the substitute, which was accepted by Mr. Hawthorne :

*Resolved*, That in the estimation of this Senate, the Senate and Assembly Committee appointed to investigate the books of Dr. S. A. McMeans, late State Treasurer, performed all of the duties incumbent upon them as members of said committee, in a manly, fearless and conscientious manner, and were actuated by no other motive than an earnest desire to protect the interests of the State.

Mr. Hawthorne withdrew the substitute.

The original resolution was withdrawn by Mr. McCoun.

Mr. Burton presented the following report :

*Mr. President :*

The Committee on Enrollment have examined and found correctly enrolled, the following Bill :

An Act concerning the Debt and the Current Expenses of the County of Monterey, and to provide for the Funding and the Payment of the same.

E. F. BURTON.

Mr. Hawks presented a numerously signed petition from citizens of San Francisco, irrespective of party, asking the passage of a Registry Act.

Referred to the Committee on Elections.

Assembly Bill No. 269, the Registry Act, was taken up, read a second time and referred to the Committee on Elections.

Mr. Ferguson asked leave to introduce a Bill for the relief of D. N. Durt.

Objections being made, Mr. Ferguson moved that the rules might be suspended to enable him to introduce the Bill.

Refused by the Senate.

Mr. Ashley presented the following report :

*Mr. President :*

The Special Committee to whom was referred Assembly Bill No. 279, concerning the Courts in Humboldt County, report amendments to the Bill, and recommend its passage as amended.

D. R. ASHLEY.

On motion of Mr. Ashley, the committee amendments to Bill No. 279 were concurred in, and the Bill read a third time and passed.

Leave being granted, Mr. Mandeville introduced a Bill for the relief of Thos. F. W. Price.

Read a first and second times and referred to the Committee on Claims.

Mr. Ashley presented the following report :

*Mr. President :*

The Committee on Public Lands have considered Senate Bill No. 153, concerning Grave Yards, and recommend its passage.

D. R. ASHLEY,  
Chairman.

The Bill was placed on the Calendar.

Mr. Ashley presented the following report :

*Mr. President :*

The Committee on Claims would recommend the passage of the Act requiring certain officers to report the amount of fees they receive. It is the only mode in which this information can be had, and will be invaluable in affording the statistics necessary for well-advised legislation in reference to fees and salaries.

D. R. ASHLEY,  
Chairman.

The Bill was placed on the Calendar.

Mr. Flint presented the following report :

*Mr. President :*

Your Committee on Commerce and Navigation, to whom was referred the Bill entitled An Act to authorize the Main Street Wharf Company to build a Wharf in the County of Solano, have had the same under consideration, and beg leave to report the same back with amendments thereunto annexed, and recommend its passage as amended.

WILSON FLINT,  
Chairman.

The Bill was placed on the Calendar.

Mr. Fiske presented the following report :

*Mr. President :*

The Committee on Internal Improvements to whom was referred Senate Bill No. 133, An Act amendatory of, and supplemental to, An Act to provide for the survey and construction of a Wagon Road over the Sierra Nevada Mountains, and to submit the same to a vote of the people, would respectfully report the same back for the consideration of the Senate.

HENRY M. FISKE,  
Chairman.

The Bill was placed on the Calendar.

Mr. Hawthorne presented the following report :

*Mr. President :*

The Committee on Claims have had under consideration a Bill for the relief of Martin Porter, and report the same back, with a recommendation that the same be amended by inserting "two hundred and eleven dollars," and passed. They also recommend to the consideration of the Senate, remainder of said claim amounting to some \$500.

J. C. HAWTHORNE.

The Bill was placed on the Calendar.

Mr. Hawthorne presented the following report :

*Mr. President :*

The Committee on Claims, to whom was referred a Bill for the relief of Wm. Jones, report the same back, and recommend its passage.

J. C. HAWTHORNE.

The Bill was placed on the Calendar.

Mr. Hawthorne presented the following report :

*Mr. President :*

The Committee on Claims, to whom was referred An Act to provide for the payment of certain legal expenses, have had the same under consideration, and report the same back for the consideration of the Senate.

J. C. HAWTHORNE.

The Bill was placed on the Calendar.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Federal Relations, to whom was referred certain Preambles and Resolutions relative to a certain Commercial Convention between the Governments of the United States and Russia, have considered the same, and recommend that the Preambles be struck out, and that the Resolutions be adopted.

J. G. McCALLUM,  
Chairman.

The Bill was placed on the Calendar.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee, to whom was referred Assembly Bill No. 223, entitled An Act for the relief of the heirs of estates in which funds were lost, through a robbery committed in June last, upon Thomas C. Brunton, at that time Public



Administrator of Tuolumne County, have had the same under consideration and recommend its passage.

I. W. FERGUSON,  
Chairman.

The Bill was placed on the Calendar.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee to whom were referred Senate Bill entitled An Act authorizing the Board of Supervisors of Solano County to levy a Special Tax for the Payment of Certain Indebtedness of said county, have had the same under consideration and recommend its passage.

I. W. FERGUSON,  
Chairman.

The Bill was placed on the Calendar.

Mr. Bynum presented the following report :

*Mr. President :*

Your Committee on Education, to whom was referred substitute for Senate Bill No. 114, entitled An Act for the location and disposal of the lands of the State appropriated to Educational Objects, have had the same under consideration and respectfully recommend the passage of the same.

S. BYNUM,  
Chairman.

The Bill was placed on the Calendar.

Mr. Day presented the following report :

*Mr. President :*

The Select Committee to whom was referred An Act to authorize the Funding of the Debt of the City of San José, and to provide for the payment of the same, which Act was recalled from the Governor by resolution of the Senate, hereby respectfully ask the unanimous leave of the Senate to introduce a new Bill on the same subject, remedying the defects of the previous Bill.

S. DAY,  
Chairman.

Leave being granted Mr. Day introduced the above entitled Bill.

On motion of Mr. Day, the rules were suspended, the Bill read a third time and passed.

Mr. Ashley presented the following report :

*Mr. President :*

The Committee of Conference on Assembly Bill No. 27, concerning Estrays, report in favor of striking out the new Section 17, adopted by the Senate, and of inserting in the last section after "Los Angeles" the word "Monterey."

D. R. ASHLEY,  
Chairman.

On motion of Mr. Ashley the amendments reported by the Committee were concurred in.

Mr. Cosby presented the following report :

*To the Senate :*

Your Committee to whom were referred Assembly Bill No. 225, entitled An Act to provide for Assessing an Additional Tax in the County of Trinity have had the same under consideration and beg leave to report the same back, and recommend its indefinite postponement.

J. D. COSBY,  
Special Committee.

On motion the Bill was indefinitely postponed.

The following Message was received from his Excellency, the Governor :

EXECUTIVE DEPARTMENT, }  
Sacramento, April 16, 1856. }

*To the Senate of California :*

I have this day approved a Bill originating in the Senate, entitled An Act supplemental to an Act entitled "An Act making appropriations for the Civil Expenses of the Government of the State," approved March 15, 1856.

J. NEELY JOHNSON.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 16, 1856. }

*Mr. President :*

I am directed to inform the Senate, that the Assembly have passed Senate Bill—

No. 128, An Act to provide for the construction of the State Capitol in the City of Sacramento; also,

No. 150, An Act to confirm a certain contract of the Trustees of the City of Monterey for the building of a Wharf; also,

No. 183, An Act to enable the County of Placer to take and hold Stock in any company having for its object the extension of the Sacramento Valley Railroad to the Town of Auburn; and,

Assembly Bill No. 299, An Act amendatory of, and supplementary to, the Act passed April 30, 1855, entitled "An Act to provide for funding the outstanding debt of the City of Oakland, and to prevent the creation of new debt by that city."

Respectfully submitted,

ALEX. M. HAYDEN,  
Ass't Clerk of Assembly.

Assembly Bill No. 299, was read a first and second times, and referred to Senator Day.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 15, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly have concurred in a portion of Senate amendments to Bill No. 104, An Act to regulate Fees of Office; and refused to concur in others.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Mr. Burnett moved that a Committee of Free Conferenae be appointed to confer with a like Committee on the part of the Assembly, in relation to the disagreeing votes on the Bill.

Agreed to.

The Chair appointed Messrs. McGee, Burnett and Tilford said Committee.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 14th, 1856. }

*Mr. President :*

I am directed to inform the Senate, that the Assembly have concurred in a portion of Senate amendments to Assembly Bill No. 69, An Act to create a Board of Supervisors in the counties of this State, and define their duties and powers, passed March 20, 1855; and has refused to concur in others. The amendments as concurred in, or non-concurred in, are shown in the Bill.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Mr. Crandall moved the appointment of a Committee of Free Conference on the disagreeing votes.

Agreed to.

The Chair appointed Messrs. Heintzelman, Crandall and Ashley said Committee.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 15, 1856. }

*Mr. President :*

I am directed to inform the Senate, that the Assembly have passed Assembly Bill—

No. 78, An Act to provide for the sale of the Swamp and Overflowed Lands belonging to this State; also,

No. 221, An Act to authorize the Board of Supervisors of Sonoma County to levy a Special Tax for the Redemption of certain Warrants; and

No. 305, An Act to authorize Charles F. Reed, administrator of the estate of William Knight, deceased, to convey certain real estate.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Bill No. 221 was read a first and second times, and referred to Senator Heintzelman.

Assembly Bill No. 305 was read a first and second times, and referred to the Sacramento Delagation.

Assembly Bill No. 77 was read a first and second times, and referred to the Committee on Public Lands.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
Sacramento, April 15, 1856. }

*Mr. President :*

I am directed to inform the Senate, that the Assembly have passed Assembly Bill—

No. 231, An Act to amend the Act entitled "An Act to organize the County of Plumas," passed March 20, 1854; also,

No. 288, An Act amendatory of, and supplementary to, the Act entitled "An Act to provide for funding the Debt of San Joaquin County, for the payment of Interest thereon, and for the gradual liquidation of the debt," approved April 20, 1852; and,

No. 303, An Act supplementary to, and amendatory of, the Act entitled "An Act to create the County of Tehama, to define its boundaries and provide for its organization."

Respectfully Submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Bill No. 288 was read a first and second times, and referred to Senator McCoun.

Assembly Bill No. 231 was read a first and second times, and referred to Senator McGee.

Assembly Bill No. 303 was read a first and second times, and on motion, the rules were suspended, the Bill read a third time and passed.

The following message was received from the Assembly :

ASSEMBLY CHAMBER. }  
Sacramento, April 15, 1856. }

*Mr. President :*

I am directed to inform the Senate, that Messrs. Brush, Turner and Rathburn have been appointed a Committee of Free Conference, in relation to Bill No. 117,



An Act concerning Hogs found running at large in the Counties of Marin and Santa Clara ; and,

Appointed Messrs. Davis, Meloney and Heald a Committee of Free Conference, in relation to Bill No. 27, An Act concerning Estray Animals.

Respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

Mr. Ashley offered the following resolution :

*Resolved*, That the President of the Senate is hereby authorized to certify the accounts of the Sergeant-at-Arms, for supplies furnished the Senate, that may be allowed and signed by the Committee on Contingent Expenses of the Senate.

Adopted.

Mr. Mandeville moved to take up the Bill for the relief of Richard C. Barry.

Lost.

Bills on the Calendar—

Senate Bill No. 151, to create the County of Aromas, etc., was taken from the Calendar, and amended in Committee of the Whole.

On motion the committee amendments were concurred in, and the Bill ordered to be engrossed for a third reading to-morrow.

Senate Substitute Bill No. 161, to support and regulate Common Schools, etc., was taken up, considered in Committee of the Whole, amended, reported back to the Senate, the committee amendments concurred in, the Bill read a third time, and passed.

Assembly Bill No. 152, granting to Robert Haley, and others, the right to erect and build a Wharf on the Ranch of San Pablo, in Contra Costa County, was taken up, considered in Committee of the Whole, amended, and reported back to the Senate.

Mr. McCoun moved to strike out all after the word "State," at the end of the second line of Section 4 :

The ayes and noes were demanded by Messrs. Hook, Hawks and McCallum, with the following result :

AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Day, Ferguson, Fiske, Flint, Gove, Hawthorne, Hook, Mandeville, McCoun, McGee, McNeil and Wilson—17.

NOES.

Messrs. French, Hawks, Lippincott, McCallum, Shaw, Tilford and Westmoreland—7.

So the amendment was adopted.

The Bill was read a third time.

On its final passage, the ayes and noes were demanded by Messrs. Hawks, Shaw and McCoun, with the following result:

AYES.

Messrs. Ashley, Burnett, Bynum, Cosby, Day, Dosh, Ferguson, Fiske, Flint, Gove, Hawthorne, McCallum, McCoun, McGee, McNeill and Wilson—16.

NOES.

Messrs. Burton, Crandall, French, Hawks, Hook, Lippincott, Mandeville, Norman, Shaw, Tilford, Waite and Westmoreland—12.

So the Bill passed.

Senate Bill No. 148 was taken up.

On motion, laid upon the table.

Senate Bill No. 174, "To protect owners of Growing Crops, Buildings, etc., in the Mining Districts of this State," passed April 25, 1855, was taken up, considered in Committee of the Whole and reported back to the Senate.

On the question of its passage, the ayes and noes were demanded by Messrs. McCallum, Burton and Waite, with the following result:

AYES.

Messrs. Burnett, Bynum, Coffroth, Cosby, Crandall, Day, Dosh, Ferguson, Flint, Gove, Heintzelman, Hook, Lippincott, McCallum, McNeill, Norman, Shaw, Tilford, Westmoreland and Wilson—21.

NOES.

Messrs. Ashley, Burton, Fiske, French, Hawthorne, Mandeville and Waite—7.

So the Bill was passed.

Mr. McCallum moved to reconsider the vote just taken.

Mr. Burton moved to lay the motion to reconsider on the table.

The ayes and noes were demanded by Messrs. McCollum, French and Hook, with the following result:

AYES.

Messrs. Ashley, Burton, Bynum, Fiske, Mandeville, McCallum, McGee, Scellen, Tilford, Waite, Westmoreland and Wilson—12.

NOES.

Messrs. Burnett, Coffroth, Cosby, Crandall, Day, Dosh, Ferguson, Flint, French, Gove, Hawthorne, Heintzelman, Hook, Lippincott, McNeill, Norman, Shaw—16.

So the motion was lost.

Mr. Burnett moved to indefinitely postpone the motion to reconsider.

The ayes and noes were demanded by Messrs. McCallum, Burton and Hook, with the following result :

AYES.

Messrs. Burnett, Coffroth, Cosby, Crandall, Day, Dosh, Flint, French, Hawks, Hook, Lippincott, McCoun, McNeill, Norman, Shaw and Tilford—17.

NOES.

Messrs. Ashley, Burton, Bynum, Fiske, Hawthorne, Mandeville, McCallum, McGee, Scellen and Waite—10.

So the motion prevailed.

Assembly Bill No. 273, was taken up, An Act to amend "An Act concerning the Courts of Justice of this State and Judicial Officers," passed May 19, 1853.

On motion, indefinitely postponed.

Senate Bill No. 81, An Act for the relief of the Mayor and Common Council of the City of Sacramento, was taken up, read a third time and passed.

Senate Bill No. 24, An Act to provide for the publication of the Laws of this State, was taken up, amended in Committee of the Whole and reported back to the Senate.

On motion, the Committee amendments were concurred in.

Mr. Shaw offered the following amendment to the Bill :

SECTION 6. The said compilation or work aforesaid, shall include and contain all the general laws passed during the present session of the Legislature, ending April 21st, 1856, and the State Printer shall not be required to publish, nor shall he be paid for publishing any of the laws of said session, excepting the private, local or special laws, not applicable to the people of the whole State.

On the question of adopting the amendment, the ayes and nays were demanded by Messrs. Shaw, Flint and Gove, with the following result :

AYES.

Messrs. Burton, Dosh, Fiske, Flint, French, Gove, Hook, Lippincott, McNeill, Norman, Shaw, Waite and Wilson—13.

## NOES.

Messrs. Ashley, Burnett, Bynum, Coffroth, Cosby, Day, Hawks, Hawthorne, Heintzelman, Mandeville, McCallum, Rust, Scellen and Westmoreland—14.

So the amendment was rejected.

Mr. Hawks moved to indefinitely postpone the Bill :

The ayes and noes were demanded by Messrs. Hawks, Shaw and Gove, with the following result :

## AYES.

Messrs. Burnett, Burton, Dosh, Fiske, Hawks, Hook, Lippincott, Norman, Shaw, Waite and Wilson—11.

## NOES.

Messrs. Ashley, Bynum, Cosby, Day, Flint, French, Gove, Hawthorne, Heintzelman, Mandeville, McCallum, McNeill, Scellen and Westmoreland—14.

So the motion was lost.

On motion of Mr. McCallum, the Bill was considered engrossed and read a third time.

Mr. Burton presented the following report :

*Mr. President :*

The Committee on Enrollment have examined and find correctly enrolled An Act to Incorporate the City of Nevada.

E. F. BURTON.

On the question of the passage of the Bill (No. 24.) the ayes and noes were demanded by Messrs. Shaw, Hawks and Lippincott, with the following result :

## AYES.

Messrs. Ashley, Bynum, Cosby, Day, Flint, French, Hawthorne, Mandeville, McCallum, McNeill, Rust, Scellen, Waite and Westmoreland—14.

## NOES.

Messrs. Burnett, Burton, Dosh, Fiske, Gove, Hawks, Heintzelman, Hook, Lippincott, Norman, Shaw and Wilson—12.

So the Bill was passed.

Mr. Hook moved to adjourn.

The ayes and noes were demanded by Messrs. Shaw, Hook and Flint, with the following result :



AYES.

Messrs. Burnett, Cosby, Day, Flint, Gove, Hawks, Hawthorne, Hook, Mandeville, McCallum, McCoun, McGee, McNeill, Norman, Scellen and Wilson—16.

NOES.

Messrs. Ashley, Burton, Bynum, Coffroth, Dosh, Fiske, Heintzelman, Lippincott, Rust, Shaw, Waite and Westmoreland—12.

So the Senate stood adjourned.

---

IN SENATE.

THURSDAY, April 17, 1856.

Senate met pursuant to adjournment.

Mr. Ashley, President *pro tem.*, in the Chair.

Journal of yesterday read and approved.

On motion of Mr. French, the rules were suspended and a Committee of Free Conference appointed by the Chair on the disagreeing vote of the two Houses on Senate Bill No. 106, the Funding Act.

The Chair appointed the following gentlemen said Committee:

Messrs. Waite, French, Shaw, Scellen and Ashley.

Mr. Burton presented the following report:

*Mr. President:*

The Committee on Enrollment have examined and found correctly enrolled—

An Act to Confirm a certain Contract of the Trustees of the City of Monterey, for the Buiding of a Wharf; also,

An Act to enable the County of Placer to take and hold Stock in any company having for its object the extension of the Sacramento Valley Railroad to the Town of Auburn; and

An Act to Create the County of Fresno, to define its boundaries and to provide for its organization.

E. F. BURTON.

Mr. Burton presented the following report :

*Mr. President :*

Your Committee on Enrollment, on yesterday, presented to the Governor An Act Concerning the Debt and the Current Expenses of the County of Monterey, and to provide for the Funding and the Payment of the same; and

An Act to Incorporate the City of Nevada.

E. F. BURTON.

Mr. Flint presented the following report :

*Mr. President :*

Your Committee on Contingent Expenses have examined the accounts of Ferris Forman, Esq., for postage from March 17 to April 12, and beg leave to report a resolution for his payment.

WILSON FLINT.

The following resolution, accompanying the report, was adopted :

*Resolved,* That the Controller of State is hereby authorized to draw his warrant on the Treasurer in favor of Ferris Forman for Postage for the sum of five hundred and twenty dollars and fifty-five cents, and the same shall be paid out of the Contingent Fund of the Senate.

Mr. Heintzelman presented the following report :

*Mr. President :*

Your Special Committee to whom was referred Assembly Bill No. 221, entitled An Act to Authorize the Board of Supervisors of Sonoma County, to levy a Special Tax for the redemption of certain warrants, have had the same under consideration and beg leave to report the same back to the Senate with an amendment, and recommend its passage.

H. P. HEINTZELMAN.

On motion the rules were suspended and Assembly Bill No. 221 taken up, the Committee amendments concurred in, the Bill read a third time and passed.

Mr. McGee presented the following report :

*To the President of the Senate and the Speaker of the Assembly :*

Your Committee of Conference to whom was referred Assembly Bill No. 104, entitled An Act to amend an Act entitled "An Act to regulate Fees of Office," passed April 10, 1855, have had the same under consideration, and respectfully recommend the following as a substitute for Senate amendment marked Section 4, to said Bill :

SECTION 4. *Provided,* that the fees of the Clerk of San Francisco County, and the Clerk of the Superior Court of the City of San Francisco, shall not be

affected by this Act, but shall remain the same as if the fees of the Clerk of Sacramento County had not been changed by this Act.

And ask leave to be discharged.

JOHN B. McGEE,  
F. TILFORD,  
W. C. BURNETT,  
Of the Senate.  
G. H. CARTTER,  
J. B. WINSER,  
JAMES GEORGE,  
Of the Assembly.

On motion, the committee amendments were concurred in.

Mr. McCoun, from a Select Committee, reported back Assembly Bill No. 288, An Act amendatory of, and supplementary to, an Act approved April 20, 1852, entitled "An Act to provide for Funding the Debt of San Joaquin County, for the Payment of the Interest thereon, and for the gradual Liquidation of the Debt."

On motion of Mr. McCoun, the rules were suspended, the Bill read a third time, and passed.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills have examined Senate Bill, No. 24, entitled An Act to provide for the Publication of the Laws of this State, and find the same correctly engrossed.

McCALLUM,  
Chairman.

Mr. Day presented a remonstrance from residents of Alameda County, against the passage of a Bill extending the Corporate Limits of the City of Oakland.

Referred to Senator Day.

Mr. Coffroth, from the Committee on Corporations, reported back Assembly Substitute Bill No. 128, for an Act entitled "An Act to extend the Time of Commencing the Construction of certain Railroads herein named," approved April 25th, 1855.

The Bill was placed on the Calendar.

Mr. Mandeville, from the Committee on Claims, reported back Senate Bill No. 185, An Act to provide for the Payment of Thomas F. W. Price.

The Bill was considered in Committee of the Whole, amended, reported back to the Senate, and read a third time.

On the question of passing the Bill, the ayes and noes were demanded by Messrs. Hawks, Waite and Fiske, with the following result :

## AYES.

Messrs. Bynum, Crandall, Ferguson, Fiske, Flint, French, Gove, Hawks, Hawthorne, Heintzelman, Hook, Lippincott, Mandeville, McCoun, McGee, Rust, Scellen, Tilford and Westmoreland—19.

## NOES.

Messrs. Ashley, Burnett, Burton, Cosby, Dosh, McCallum, McNeill, Norman, Shaw, Waite and Wilson—11.

So the Bill was passed.

Mr. Hawks presented the following report :

*Mr. President :*

The Chairman of the Committee on Elections, to whom was referred a Bill for An Act to prevent Frauds in Elections and to define the Duties of Electors in the Incorporated Towns and Cities of this State, together with two petitions relating to the same, beg leave to report the same back without amendments, recommending its passage in accordance with the petitions herewith returned.

W. W. HAWKS,  
Chairman.

The Bill was placed on the Calendar.

Mr. Shaw, from the Conference Committee on Assembly Bill No. 2, San Francisco Consolidation Bill, presented a report.

On motion of Mr. Shaw, the Committee recommendations and amendments were concurred in.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee, to whom was referred Assembly Bill No. 251, entitled An Act to legalize and confirm the election of certain officers, have had the same under consideration, and recommend its passage.

W. I. FERGUSON,  
Chairman.

On motion, the rules were suspended, the Bill considered in Committee of the Whole, amended, reported back to the Senate, read a third time and passed.

Mr. Ferguson presented the following report :

*Mr. President :*

The Special Committee, to whom were referred Assembly Bill No. 305, entitled An Act to authorize Charles F. Reed, administrator of the estate of William Knight, deceased, to convey certain real estate, recommend its passage.

W. I. FERGUSON.  
A. S. GOVE.



The Bill was placed on the Calendar.

Mr. Hook presented the following report :

*Mr. President :*

The Committee on Engrossed Bills have examined Senate Bill No. 151, entitled An Act to create the County of Aromas and provide for the organization thereof, and find the same correctly engrossed.

J. G. McCALLUM,  
Chairman of Senate Committee.  
GEO. W. WAGNER,  
Chairman of Assembly Committee.

Mr. Crandall presented the following report :

*Mr. President :*

The Committee of Conference, to whom were referred Assembly Bill No. 69, have had the same under consideration, and report it back with amendments, and recommend its passage as amended.

D. CRANDALL,  
Chairman.

On motion of Mr. Crandall, the Committee amendments were concurred in.

Leave being granted, Mr. Ferguson introduced a Bill for the relief of D. N. Hunt, which was read a first and second times and referred to the Committee on Claims.

Mr. Lippincott moved to adjourn.

The ayes and noes were demanded by Messrs. Ashley, Hook and Ferguson, with the following result :

AYES.

Messrs. Bynum, Coffroth, Cosby, Craudall, Ferguson, Flint, Gove, Hawks, Hook, Lippincott, Mandeville, McCallum, McGee, Tilford and Wilson—15.

NOES.

Messrs. Ashley, Burnett, Burton, Day, Dosh, Fiske, Hawthorne, Heintzelman, McCoun, McNeill, Norman, Rust, Shaw and Westmoreland—14.

So the Senate adjourned.

## IN SENATE.

FRIDAY, April 18, 1856.

Senate met pursuant to adjournment.

Lieutenant Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of yesterday read and approved.

Leave being granted, Mr. Waite introduced the following resolution :

*Resolved*, That the Governor be respectfully requested to return to the Senate, An Act to Incorporate the City of Nevada; and An Act to provide for the Incorporation of Towns, in order to correct defects in the same.

Mr. Coffroth presented a petition from citizens of Tuolumne County, praying the passage of a law increasing the tax on hawkers and peddlers, or entirely forbidding the practice of peddling.

Referred to the Committee on Finance.

Mr. Coffroth also presented a petition from citizens of Columbia, asking that Columbia may be Incorporated.

Referred to the Committee on Finance.

Mr. Mandeville presented a remonstrance from the same, on the same subject.

Mr. Burton presented the following reports :

*Mr. President :*

Your Committee on Enrollment, on yesterday, presented to the Governor—

An Act to confirm a certain contract of the Trustees of the City of Monterey, for the building of a Wharf; also,

An Act to enable the County of Placer to take and hold stock in any Company having for its object the extension of the Sacramento Valley Railroad to the town of Auburn; and

An Act to create the County of Fresno, to define its boundaries, and to provide for its organization.

E. F. BURTON.

Mr. Burton presented the following report :

*Mr. President :*

Your Committee on Enrollment, have examined and found correctly enrolled, an Act entitled An Act to provide for the construction of the State Capitol in the City of Sacramento.

E. F. BURTON.

Leave being granted, Mr. Coffroth introduced a Bill making an appropriation for the payment of salaries of the officers and attaches of the Senate.

Read a first and second times and referred to the Committee on Finance.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills, have examined Senate Bill No. 185, entitled An Act to provide for the payment of T. F. W. Price, and Hiram Morgan ; and Senate Bill No. 161, entitled An Act to amend an Act entitled "An Act to establish, support and regulate Common Schools, and to repeal former Acts concerning the same," approved May 3d, 1855, and find the same correctly engrossed.

McCALLUM,  
Chairman.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 18, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly have concurred in Senate amendments to Bill No. 21, An Act to amend "An Act to authorize the formation of Corporations for the construction of Plank and Turnpike Roads," passed May 12th, 1853 ; and

Have adopted the report of the Committee of Conference in relation to the Act No. 106, To Fund the Indebtedness of the State, etc.

Respectfully, your ob't serv't,

J. M. ANDERSON,  
Clerk Assembly.

Mr. French, from a Conference Committee, presented the following report :

*To the Senate and the Assembly :*

Your Joint Committee on the disagreeing votes of the two Houses on the State Funding Bill, have considered the same and report, that we recommend that the amendment to the title be stricken off.

That the amendment to section five as made by the Assembly, be concurred in. That the amendments to section seven and the addition of three new sections, be disagreed to.

The addition to section thirteen to be adopted.  
All of which is respectively submitted.

A. FRENCH,	}	Senate Com.
E. G. WAITE,		
JNO. D. SCELLEN,		
WM. J. SHAW,		
D. R. ASHLEY,	}	Assembly Com.
T. M. TALIAFERRO,		
A. M. STEVENSON,		
CASWELL DAVIS,		
JAMES GEORGE,		

On motion of Mr. French, the Committee report was adopted and the amendments concurred in.

Mr. Tilford from the Committee on Conference on Senate Bills Nos. 42 and 43, presented the following report:

*To the President of the Senate and the Speaker of the Assembly:*

The Committee of Free Conference on the disagreeing votes of the Senate and Assembly, on Senate Bill No. 42, entitled An Act to amend "An Act concerning Crimes and Punishments," passed April 16th, 1850, and on Senate Bill No. 43, entitled An Act amendatory of, and supplementary to, "An Act concerning Crimes and Punishments," passed April 16, 1850, have had the same under consideration and recommend that the Assembly recede from its amendment to section nine of Bill No. 42. The Committee recommend in place of the amendment of the Assembly to section two of the same Bill, the adoption of the following substitute, viz.: After the word "heart" in Senate Bill "all murder which shall be perpetrated by means of poison, or lying in wait, torture, or by any other kind of willful, deliberate and premeditated killing, or which shall be committed in the perpetration, or attempt to perpetrate any arson, rape, robbery, or burglary, shall be deemed murder of the first degree; and all other kinds of murder shall be deemed murder of the second degree; and the jury before whom any person indicted for murder shall be tried, shall, if they find such person guilty thereof, designate, by their verdict, whether it be murder of the first or second degree; but if such person shall be convicted on confession, in open Court, the Court shall proceed, by examination of witnesses, to determine the degree of the crime, and give sentence accordingly. Every person convicted of murder of the first degree, shall suffer death; and every person convicted of murder of the second degree shall suffer imprisonment in the State Prison for a term not less than ten years, and which may extend to life."

That section three of the same Bill be amended by inserting the word "ten" instead of "fourteen."

The Committee recommend in reference to Senate Bill No. 43, that Assembly amendment as to section ten, be concurred in; and that section two of said Bill and Assembly amendment to the same be both stricken out.

F. TILFORD,  
Ch'n Senate Committee.

T. B. McFARLAND,	}	Assembly Com.
GEO. H. CARTTER,		
W. H. UPTON,		



On motion of Mr. Tilford, the report was adopted and the Committee amendments and recommendations concurred in.

Mr. Day presented the following report :

*Mr. President :*

The Committee on Morals and Police, to whom was referred the memorial of "The Grand Division of the Sons of Temperance of California," asking for the use of the Legislative Halls to hold a convention, or conventions, herewith report in favor of granting the prayer of the memorial, and for that purpose ask leave to offer the accompanying Joint Resolution.

S. DAY,  
Chairman.

Mr. Day asked leave to introduce a Resolution.

Refused.

Mr. French moved that Assembly Bill No. 101, relating to Fees of Office, be so amended as to strike out Section 2, and that the Sections be numbered in proper order.

Agreed to.

The Secretary amended the Bill accordingly.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee, to whom was referred Assembly Joint Resolution No. 143, concerning certain amendments to the Constitution, have had the same under consideration, and recommend its passage.

Mr. Norman presented the following Resolution, which was adopted :

*Resolved*, That the Secretary of State is hereby requested to furnish the Senate with a correct statement of the expenditures and the entire amount of appropriations made by the present Legislature.

Mr. Ferguson moved to suspend the rules, that Assembly Joint Resolution No. 143, proposing certain amendments to the Constitution, might be considered.

The ayes and noes were demanded by Messrs. Shaw, Heintzelman and McNeill, with the following result :

AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Day, Ferguson, Hawks, Hawthorne, Heintzelman, Hook, McCallum, McCoun, McGee, McNeill, Shaw, Tilford, Westmoreland and Wilson—19.

NOES.

Messrs. Crandall, Fiske, Flint, Gove, Lippincott, Mandeville, Norman, Rust and Scellen—9.

So the motion was carried.

Mr. Fremont moved to indefinitely postpone the Resolution.

Mr. Seaton demanded the previous question.

Sustained.

Question being, "Shall the next question be now put?" the yeas and nays were demanded by Messrs. Shaw, Tibbels, and Hawks, with the following result:

AYES.

Messrs. Burton, Bryant, Coffey, Cosby, Crenshaw, Deas, Fisher, Flint, Fremont, George, Hawley, Hendersonman, Lippincott, McCallum, Nelson, McNeill, East, Seaton, White and Wilson—20.

NAYES.

Messrs. Asher, Bennett, Burr, Ferguson, Hawthorne, Hook, Mansfield, McMillan, Norman, Shaw, Tibbels and Westmoreland—12.

So the motion prevailed and the next question was ordered to be put.

On the motion to indefinitely postpone the Resolution, the yeas and nays were demanded by Messrs. Cosby, Fremont and Hendersonman, with the following result:

AYES.

Messrs. Crenshaw, Deas, Fisher, Flint, French, Gore, Hook, Seaton and Wilson—9.

NAYES.

Messrs. Asher, Bennett, Burr, Bryant, Coffey, Cosby, Burr, Ferguson, Hawley, Hawthorne, Hendersonman, Lippincott, Mansfield, McCallum, McCune, Nelson, McNeill, Norman, Shaw, Tibbels, White and Westmoreland—25.

So the motion was lost.

On the motion of referring to the first proposed amendment to the Constitution, the yeas and nays were demanded with the following result:

AYES.

Messrs. Asher, Bennett, Burr, Bryant, Coffey, Cosby, Burr, Hawthorne, Hendersonman, Hook, McCallum, Nelson, McNeill and Westmoreland—14.

NAYES.

Messrs. Burton, Crenshaw, Deas, Ferguson, Fisher, Flint, French, Gore, Hawks, Lippincott, Mansfield, Norman, East, Seaton, Shaw, Tibbels, White and Wilson—15.

So the amendment was rejected.

On the question of concurring in the second amendment, the roll was called with the following result :

AYES.

Messrs. Bnrnett, Bynum, Coffroth, Cosby, Heintzelman, McGee and McNeill—7.

NOES.

Messrs. Burton, Day, Dosh, Ferguson, Fiske, Flint, French, Gove, Hawks, Hawthorne, Hook, Lippincott, Mandeville, McCallum, Norman, Rust, Scellen, Shaw, Tilford, Waite, Westmoreland and Wilson—23.

So the amendment was rejected.

On the question of adopting the third amendment, the roll was called, with the following result :

AYES.

Messrs. Ashley, Burnett, Bynum, Cosby, Heintzelman, Mandeville, McCoun, McGee and McNeill—9.

NOES.

Messrs. Burton, Crandall, Dosh, Ferguson, Fiske, Flint, French, Gove, Hawks, Hawthorne, Hook, Lippincott, Norman, Scellen, Shaw, Tilford, Waite, Westmoreland and Wilson—19.

So the amendment was rejected.

On the question of adopting the fourth amendment, the roll was called with the following result :

AYES.

Messrs. Ashley, Burnett, Bynum, Coffroth, Cosby, Heintzelman, McCoun, McGee, and McNeill—9.

NOES.

Messrs. Burton, Crandall, Day, Dosh, Ferguson, Fiske, Flint, French, Gove, Hawks, Hook, Lippincott, Mandeville, McCallum, Norman, Scellen, Tilford, Waite, Westmoreland and Wilson—20.

So the amendment was rejected.

On the question of adopting the fifth amendment the roll was called, with the following result :

AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Crandall, Day, Dosh, Ferguson, Fiske, Flint, French, Gove, Hawks, Hawthorne, Heintzelman, Hook, Lippincott, Mandeville, McCallum, McCoun, McGee, McNeill, Norman, Rust, Shaw, Tilford, Waite, Westmoreland and Wilson—31.

## NOES.

Mr. Scellen—1.

So the fifth amendment was adopted.

Mr. Ashley offered the following substitute for the resolution.

AN ACT AGREEING TO THE PROPOSED AMENDMENT TO THE CONSTITUTION, AND PROVIDING FOR ITS SUBMISSION TO THE PEOPLE.

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Legislature of the State of California, at its sixth session, commenced on the first day of January, A. D. 1855, having by the required Constitutional majority, proposed the amendment hereinafter set forth, and the same having been referred to the present Legislature, and having been published for three months, next preceding the late general election, as required by the Constitution. Now, the Legislature of the State of California, at its seventh session, commenced on the seventh day of January, A. D. 1856, does hereby agree to, and adopt as an amendment to the present Constitution of this State, the following :

Section 2, of Article X., is amended so as to read as follows :—

SECTION 2. And if at any time, two-thirds of the Senate and Assembly shall think it necessary, to revise and change this entire Constitution, they shall recommend to the electors, at the next election for members of the Legislature, to vote for or against a Convention, and if it shall appear that a majority of the electors, voting at such election, have voted in favor of calling a Convention, the Legislature shall, at its next session provide, by law, for calling a Convention, to be holden within six months after the passage of such law; and such Convention shall consist of a number of members, not less than that of both branches of the Legislature. The Constitution that may have been agreed upon and adopted by such Convention, shall be submitted to the people, at a special election, to be provided for by law, for their ratification or rejection; each voter shall express his opinion, by depositing in the ballot-box, a ticket, whereon shall be written, or printed, the words: "For the New Constitution;" or "Against the New Constitution." The returns of such election, shall, in such manner as the Convention shall direct, be certified to the Executive of the State, who shall call to his assistance the Controller, Treasurer and Secretary of State, and compare the votes so certified to him. If, by such examination, it be ascertained that a majority of the whole number of votes cast at such election be in favor of such new Constitution, the Executive of this State, shall, by his proclamation declare such new Constitution, to be the Constitution of the State of California.

SECTION 2. The foregoing proposed amendment to the Constitution, shall be submitted to the people, for their approval and ratification at the next general election. The vote shall be by ballot, either written or printed, and shall be "For the Proposed Amendment to the Constitution;" or "Against the Proposed Amendment to the Constitution."

SECTION 3. The votes shall be counted and returns thereof be made in the same manner and within the same time, to the Secretary of State, as is provided



for the canvass and return of votes for Governor and Lieutenant Governor. Said returns shall during the next session, commencing on the first Monday in January A. D. 1857, be published by the Speaker of the Assembly, in the presence of both Houses, in the same manner that the vote for Governor is published and declared; and if a majority of the votes cast, concerning the aforesaid amendment, are in favor of the same, then such amendment, shall forthwith, upon said publishing, become a part of the Constitution, and the Governor shall make proclamation thereof.

On motion the substitute was adopted.

On the question of the passage of the substitute, the ayes and noes were demanded by Messrs. Shaw, Cosby and Heintzelman, with the following result:

#### AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Crandall, Day, Dosh, Ferguson, Flint, Gove, Hawks, Hawthorne, Heintzelman, Lippincott, Mandeville, McCallum, McCoun, McNeill, Norman, Shaw, Waite, Westmoreland and Wilson—24.

#### NOES.

None.

So the substitute was unanimously agreed to.

Mr. Burton presented the following report:

*Mr. President:*

Your Committee on Enrollment have this day presented to the Governor An Act to provide for the Construction of the State Capitol in the City of Sacramento.

E. F. BURTON.

The following Message was received from His Excellency the Governor:

EXECUTIVE DEPARTMENT, }  
Sacramento City, April 18, 1856. }

*To the Senate of California:*

In accordance with a resolution of your Honorable Body, I herewith transmit back to the Senate, An Act to Incorporate the City of Nevada; and  
An Act to provide for the Incorporation of Towns.

J. NEELY JOHNSON.

On motion of Mr. Burton the vote was reconsidered, by which the Bill to Incorporate the City of Nevada was passed.

The Bill was then considered in Committee of the Whole, amended, reported back to the Senate, read a third time and passed.

On motion of Mr. Burton the vote was reconsidered by which the Bill to provide for the Incorporation of Towns, was passed.

The Bill was considered in Committee of the Whole, amended, reported back to the Senate, read a third time and passed.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
April 17, 1856. }

*Mr. President:*

I am directed to inform the Senate that the Assembly, on this day, amended and passed Senate Bill No. 11, An Act relative to Protection of Foreigners, etc.

Respectfully submitted,

ALEX. M. HAYDEN,  
Ass't Clerk of Assembly.

The question arose on concurring in the Assembly amendments to Senate Bill No. 10.

Mr. Norman moved a call of the Senate.

Lost.

Mr. Mandeville moved to lay the Bill on the table.

The ayes and noes were demanded by Messrs. Heintzelman, Cosby and Shaw, with the following result:

AYES.

Messrs. Burnett, Coffroth, Dosh, Flint, French, Gove, Lippincott, Mandeville, Rust and Tilford—10.

NOES.

Messrs. Ashley, Burton, Cosby, Day, Ferguson, Fiske, Hawks, Hawthorne, Heintzelman, Hook, McCallum, McCoun, McGee, McNeill, Norman, Shaw, Waite, Westmoreland and Wilson—19.

So the motion was lost.

Mr. Burton demanded the previous question, which was sustained.

And the question being, "Shall the main question be now put?" it was decided in the affirmative.

On the question of concurring in the amendments, the ayes and noes were demanded by Messrs. Cosby, Shaw and Hook, with the following result:

AYES.

Messrs. Ashley, Burton, Bynum, Cosby, Crandall, Day, Ferguson, Fiske, French, Gove, Hawks, Hawthorne, Heintzelman, Hook, McCallum, McCoun, McGee, McNeill, Norman, Shaw, Waite, Westmoreland and Wilson—23.

NOES.

Messrs. Burnett, Coffroth, Dosh, Flint, Lippincott, Mandeville, Rust and Tilford—8.

So the amendments were concurred in.

Mr. Heintzelman moved to reconsider the vote just taken.

Mr. Mandeville moved to lay that motion on the table.

Lost.

On motion, the motion to reconsider was indefinitely postponed.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, )  
April 17, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly on yesterday passed—  
Senate Bill No. 86, An Act to authorize the Funding of the Debt of the City of San José and to provide for the Payment of the same; also,

Senate Substitute No. 14, An Act to amend "An Act dividing the State into Counties and establishing the Seats of Justice therein," passed May 21, 1851; also,

Have appointed a Committee of Free Conference, consisting of Messrs. Wagner, Bowe and Winsor, on the disagreeing vote of the two Houses on Assembly Bill No. 69, relative to the Supervisors in the Counties of this State; also,

Appointed a Committee of Free Conference on Assembly Bill No. 114, An Act to amend an Act entitled "An Act to regulate Fees of Office," passed April 10th, 1855, consisting of Messrs. Cartter, Winsor and George; also,

Have appointed a Committee of Free Conference on the disagreeing vote of the two Houses on Senate Bill No. 106, An Act to Fund the Indebtedness of the State now existing in the form of Controller's Warrants drawn on the General Fund, or that may be outstanding on the first day of January, 1857, or warrants issued for indebtedness accruing prior to the first day of January, 1857, consisting of Messrs. Taliaferro, Stevenson, Upton, Davis and George; also,

Concurred in the amendment to Substitute for Bill No. 27, An Act concerning Estray Animals, by which the word "Monterey" was inserted after the name of "Los Angeles," as per report of the Committee on Conference from both Houses; also,

Passed Assembly Bill No. 302, An Act to provide for a Final Settlement with S. A. McMeans, late State Treasurer; also,

Assembly Bill No. 304, An Act concerning County Officers in the County of Klamath; also,

Assembly Bill No. 110, An Act to amend an Act entitled "An Act to regulate Fees of Office," approved April 10th, A. D. 1855; and,

Assembly Bill No. 213, An Act to authorize M. C. Buckley, James Loag and R. M. Cloud, to construct a Wagon Road from Shasta City, Sacramento Valley, to Shasta Valley, and to regulate tolls to be collected on the same.

Respectfully submitted,

ALEX. M. HAYDEN,  
Ass't Clerk of Assembly.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 18, 1856. }

*Mr. President :*

The Assembly have concurred in the report of the Committee of Conference in relation to Senate Bills Nos. 42 and 43, Acts in relation to Crimes and Punishments; and

Have passed Senate Bill No. 17, An Act to amend an Act entitled "An Act concerning the Courts of Justice of this State and Judicial Officers," passed May 19th, 1853.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Bill, No. 304, was read a first and second times, rules suspended, read a third time, and passed.

Assembly Bill, No. 110, was read a first and second times.

Mr. Mandeville moved to refer the Bill to the Judiciary Committee.

Lost.

Mr. Norman moved to suspend the rules and consider the Bill now.

Mr. Shaw moved to lay the Bill on the table.

Mr. Ashley offered the following amendment to the Bill :

SECTION 3. Section thirty-second of said Act is hereby amended so as to read as follows: Section thirty-second. For attending in any civil suit or proceeding, before any Court of Record, Referee, Commissioner, or Justice of the Peace, for each day, two dollars; for traveling to the place of trial, for each mile, twenty-five cents. No person shall be obliged to attend as a witness in a civil action, unless his fees for attendance have been tendered him, or he shall not have attended the same; and no person shall be obliged, in a civil action or proceeding, to attend as a witness without the county in which he resides,—unless the distance be less than thirty miles from his place of residence to the place of trial.

On the question of adopting the amendment, the ayes and noes were demanded by Messrs. Norman, Ashley and French, with the following result :



AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Day, French, Heintzelman, Hook, McNeill, Rust, Shaw, Waite and Wilson—14.

NOES.

Messrs. Crandall, Dosh, Gove, Hawthorne, Lippincott, Mandeville and Norman—7.

So the amendment was adopted.

Mr. Norman moved to indefinitely postpone the Bill.

Lost.

The Bill was then read a third time and passed.

Assembly Bill, No. 213, was read a first and second times, and referred to the Committee on Roads and Highways.

Assembly Bill, No. 302, was read a first and second times, and, on motion of Mr. Shaw, referred to the Committee on Claims.

Assembly Bill No. 138, was read a first and second times and referred to the Sacramento Delegation.

The following message was received from the Assembly :

EXECUTIVE DEPARTMENT,  
Sacramento City, April 18, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed—

Assembly Bill No. 252, An Act concerning the Office of County Recorder of the County of San Francisco; also,

Assembly Bill No. 185, An Act to appropriate Forty Thousand Dollars for the completion of the State Insane Asylum; also,

Assembly Bill No. 234, An Act supplementary to an Act entitled "An Act concerning the Escape of Convicts from the State Prison," approved April 30th, 1855; also,

Assembly Bill No. 244, An Act amendatory of "An Act to suppress Houses of Ill-Fame;" also,

Assembly Bill No. 226, An Act to amend an Act entitled "An Act to regulate the settlement of the Estates of Deceased Persons," passed May 1st, 1851; also,

Assembly Bill No. 241, An Act to amend "An Act to regulate the Fees of Office," approved April 10th, 1855 also,

Assembly Bill No. 189, An Act to Incorporate the Town of Martinez; also,

Amended and passed Senate Bill No. 69, An Act to authorize Benj. F. Forsyth, and others, to construct a Wharf in Solano County; and,

Passed the following Concurrent Resolution.

Respectfully submitted,

ALEX. M. HAYDEN,  
Ass't Clerk of Assembly.

Assembly Bill No. 252 was read a first and second times, and referred to the San Francisco Delegation.

Assembly Bill No. 189 was read a first and second times, and referred to Senator McCoun.

Assembly Bill No. 185 was read a first and second times, and on motion the rules were suspended, the Bill read a third time and passed.

Assembly Bill No. 226 was read a first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 241 was read a first and second times, and referred to the Judiciary Committee, with instructions to report to-morrow.

Assembly Bill No. 234 was read a first and second times, and on motion the rules were suspended, the Bill read a third time and passed.

The following concurrent Resolution was taken up.

*Resolved*, By the Assembly, the Senate concurring, That the Superintendent of Public Instruction be, and he is hereby, authorized to pay, or cause to be paid, out of the School Fund at the next apportionment of the same, the amount of money which would have been due to State Range Township, Yuba County, had the returns been made according to law before the last apportionment.

The Senate refused to concur in the Resolution.

Mr. Tilford was granted leave to amend his report of the Committee of Conference, on Senate Bills Nos. 42 and 43.

Assembly Bill No. 244 was read a first and second times, and referred to the Committee on Roads and Highways.

On motion of Mr. McCallum, the Senate reconsidered the vote by which it refused to concur in the Assembly Concurrent Resolution, and concurred in the same.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 18, 1856. }

*Mr. President :*

I am directed to inform the Senate, that the Assembly on this day passed—  
Substitute for Assembly Bill No. 138, An Act to authorize the Board of Supervisors of Sacramento County to employ the County Prisoners, and establish a Workhouse in said county.

Respectfully submitted,

A. M. HAYDEN,  
Ass't Clerk Assembly.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
April 18, 1856. }

*Mr. President :*

I am directed to inform the Senate, that the Assembly have passed—  
Assembly Bill No. 76, An Act for securing Liens to Mechanics and others ;  
also,  
Senate Bill No. 162, An Act concerning Proceedings in Courts being in the  
Spanish Language ; and,  
Senate Bill No. 137, A Bill for the Relief of David Frank Newsom.

Respectfully Submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Bill No. 76 was read a first and second times, the rules were suspended and the Bill read a third time.

Mr. Heintzelman demanded the previous question.

Sustained.

The question being, " Shall the main question be now put ? " it was decided in the affirmative.

The Bill was then passed.

Mr. Mandeville moved to take up Assembly Bill No. 223, for the Relief of Thomas C. Brunton.

The ayes and noes were demanded by Messrs. Burnett, Mandeville and Hawks, with the following result :

AYES.

Messrs. Ashley, Burnett, Cosby, Day, Dosh, Ferguson Flint, French, Gove, Hawks, Heintzelman, Hook, Mandeville, Tilford and Westmoreland—15.

NOES.

Messrs. Burton, Crandall, Fiske, Hawthorne, Lippincott, Norman, Rust, Shaw, Waite and Wilson—10.

So the motion prevailed.

Mr. Shaw moved to indefinitely postpone the Bill.

The ayes and noes were demanded by Messrs. Cosby, Burton and Shaw, with the following result :

AYES.

Messrs. Burnett, Burton, Bynum, Cosby, Crandall, Dosh, Fiske, Hawthorne, McNeill, Norman, Shaw, Waite and Wilson—13.

## NOES.

Messrs. Ferguson, French, Gove, Hawks, Lippincott, Mandeville, McCoun, Rust and Westmoreland—9.

So the motion prevailed, and the Bill was indefinitely postponed.

Mr. Bynum moved to take up Senate Bill No. 36, An Act to amend "An Act dividing the State into Counties and establishing the Seats of Justice therein," passed April 25, 1851.

The ayes and noes were demanded by Messrs. Norman, Shaw and Waite, with the following result :

## AYES.

Messrs. Burnett, Cosby, Day, Ferguson, Fisk, Gove, Hawks, Hawthorne, McCallum, McCoun, McGee, Scellen, Tilford and Westmoreland—15.

## NOES.

Messrs. Burton, Dosh, French, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Shaw and Waite—10.

So the motion prevailed.

Mr. French moved a call of the Senate.

Sustained.

The roll was called, and Messrs. Coffroth and Rust found to be absent without leave.

Mr. Mandeville moved to dispense with further proceedings under the call.

The ayes and noes were demanded by Messrs. Crandall, Norman and Heintzelman, with the following result :

## AYES.

Messrs. Ashley, Burnett, Bynum, Cosby, Dosh, Ferguson, Fiske, Hawks, Hawthorne, McCallum, McCoun, McGee, Scellen, Westmoreland and Wilson—15.

## NOES.

Messrs. Burton, Crandall, Day, Flint, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Shaw and Waite—14.

So the motion prevailed.

Mr. Flint moved that the Senate take a recess until 7 o'clock this evening.

The ayes and noes were demanded by Messrs. Flint, Hawks and Cosby, with the following result :



AYES.

Messrs. Burton, Flint, Gove, Heintzelman, Hook, Lippincott, McCallum, Shaw, Tilford and Westmoreland—10.

NOES.

Messrs. Ashley, Burnett, Bynum, Cosby, Crandall, Day, Dosh, Ferguson, Fiske, Hawks, Hawthorne, Mandeville, McCoun, McGee, McNeill, Norman, Rust, Scellen, Waite and Wilson—20.

So the motion was lost.

Mr. Mandeville moved to make the Bill the Special Order for Monday next, at 12 o'clock.

The ayes and noes were demanded by Messrs. Hawks, French and Waite, with the following result:

AYES.

Messrs. Burton, Crandall, Flint, French, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Shaw and Waite—11.

NOES.

Messrs. Ashley, Burnett, Bynum, Cosby, Day, Dosh, Ferguson, Fiske, Hawks, Hawthorne, McCallum, McCoun, Norman, Scellen, Tilford and Westmoreland—16.

So the motion was lost.

Mr. Mandeville moved a call of the Senate.

The ayes and noes were demanded by Messrs. Mandeville, Hook and French, with the following result:

AYES.

Messrs. Burton, Crandall, Day, Dosh, Flint, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman and Waite—14.

NOES.

Messrs. Ashley, Burnett, Bynum, Cosby, Ferguson, Fiske, Hawks, Hawthorne, McCallum, McCoun, McGee, Scellen, Tilford and Westmoreland—14.

So the motion was lost.

Mr. Heintzelman moved to refer the Bill to a Select Committee, to consist of Senators Bynum and himself, with instructions.

The ayes and noes were demanded, with the following result:

AYES.

Messrs. Burton, Crandall, Day, Dosh, Flint, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw and Waite—16.

## NOES.

Messrs. Ashley, Burnett, Bynum, Cosby, Ferguson, Fiske, Hawks, Hawthorne, McCallum, McCoun, McGee, Scellen, Tilford and Westmoreland—14.

So the motion prevailed.

Mr. McCallum moved to reconsider the vote by which Assembly Bill No. 273, was indefinitely postponed.

Lost.

Mr. Flint moved to take up the resolutions reported by the Committee on Contingent Expenses for the payment of certain parties.

Mr. McCallum offered the following resolution :

*Resolved*, That when the Senate adjourns it adjourns to meet this evening at 7 o'clock.

Upon the question of adopting the resolution, the ayes and noes were demanded by Messrs. McCallum, French and Ferguson, with the following result :

## AYES.

Messrs. Flint, Hawthorne, Heintzelman, McCallum, McCoun, Rust and Tilford—7.

## NOES.

Messrs. Ashley, Burnett, Burton, Cosby, Dosh, Ferguson, French, Hawks, Lippincott, Mandeville, Norman and Wilson—12.

So the resolution was defeated.

Mr. Rust moved to adjourn.

The ayes and noes were demanded by Messrs. Coffroth, Rust and French, with the following result :

## AYES.

Messrs. Cosby, Dosh, Ferguson, Fiske, Flint, Mandeville, Westmoreland and Wilson—8.

## NOES.

Messrs. Ashley, Burnett, Burton, Coffroth, French, Gove, Hawks, Hawthorne, McCallum, McCoun, McNeill, Norman, Rust, Scellen and Tilford—15.

So the motion was lost.

Mr. Ashley offered the following resolution, which was adopted :

*Resolved*, That the sum of three hundred dollars be, and the same is hereby allowed out of the Senate Contingent Fund to Mr. N. A. H. Ball, for extra ser-

vices as Clerk of Joint Committee for Examination of the Accounts of the State Treasurer.

Bills on the Calendar—

Substitute by the Committee on Claims for Senate Bill entitled An Act concerning certain expenses pertaining to the State Prison, from the first day of June, 1855, to the first day of January, 1856, was taken up.

Mr. Norman moved to indefinitely postpone the Bill.

The ayes and noes were demanded by Messrs. French, Burnett and Rust, with the following result :

AYES.

Messrs. Burnett, Burton, Cosby, Crandall, Dosh, Heintzelman, Mandeville, McNeill, Norman, Waite and Wilson—11.

NOES.

Messrs. Ashley, Coffroth, Day, Ferguson, Fiske, Flint, French, Gove, Hawks, Hawthorne, Lippincott, McCoun, Rust, Scellen, Shaw, Tilford and Westmoreland—17.

So the motion was lost.

Mr. Norman moved to adjourn.

The ayes and noes were demanded by Messrs. Rust, Coffroth and Burnett with the following result :

AYES.

Messrs. Cosby, Crandall, Heintzelman, Hook, Mandeville, McNeill, Norman and Wilson—8.

NOES.

Messrs. Ashley, Burnett, Burton, Coffroth, Day, Dosh, Ferguson, Fiske, French, Gove, Hawks, Hawthorne, Lippincott, McCoun, Rust, Scellen, Shaw, Tilford and Waite—19.

So the motion was lost.

Mr. Lippincott demanded the previous question.

Not sustained.

Mr. Norman moved to adjourn.

The ayes and noes were demanded by Messrs. Hawks, Norman and McCallum, with the following result :

## AYES.

Messrs. Cosby, Crandall, Heintzelman, Hook, Mandeville, McNeill, Norman, Waite and Wilson—9.

## NOES.

Messrs. Burnett, Burton, Bynum, Coffroth, Day, Dosh, Ferguson, Fiske, Flint, French, Gove, Hawks, Hawthorne, Lippincott, McCoun, Rust, Seellen, Shaw, Telford and Westmoreland—20.

So the motion was lost.

Mr. Heintzelman offered the following amendment to the bill :

SECTION 6. *Provided*, That nothing in this Act shall authorize the auditing or payment of any claim or claims for building a wall at the State Prison, or for materials furnished for building said wall.

On the question of adopting the amendment, the ayes and noes were demanded by Messrs. Heintzelman, Rust and Cosby, with the following result :

## AYES.

Messrs. Burnett, Burton, Cosby, Crandall, Dosh, Heintzelman, Hook, Mandeville, McCallum, McNeill, Norman, Shaw and Wilson—13.

## NOES.

Messrs. Ashley, Bynum, Coffroth, Day, Fiske, Flint, French, Hawks, Hawthorne, Lippincott, McCoun, Rust, Seellen and Westmoreland—14.

So the amendment was rejected.

Mr. Norman offered the following amendment :

SECTION 6. All claims allowed by the Board of Commissioners shall be submitted to the next Legislature for their approval or rejection.

Mr. French demanded the previous question.

Not sustained.

After some discussion, Mr. Fiske demanded the previous question.

Sustained.

And the question being, "Shall the main question be now put?" it was decided in the affirmative.

The question being on the adoption of the amendment, the ayes and noes were demanded by Messrs. Norman, Cosby and Heintzelman, with the following result :



AYES.

Messrs. Burnett, Burton, Cosby, Crandall, Dosh, Heintzelman, Hook, Mandeville, McCallum, McNeill, Norman, Shaw, Waite and Wilson—14.

NOES.

Messrs. Ashley, Bynum, Coffroth, Day, Ferguson, Fiske, Flint, French, Hawks, Hawthorne, Lippincott, Rust, Scellen and Westmoreland—14.

So the amendment was defeated.

On the question of considering the bill engrossed for a third reading, the ayes and noes were demanded by Messrs. Coffroth, Dosh and Ashley, with the following result:

AYES.

Messrs. Bynum, Coffroth, Day, Ferguson, Flint, French, Hawks, Hawthorne, Lippincott, Mandeville, Rust and Scellen—12.

NOES.

Messrs. Burnett, Burton, Cosby, Crandall, Dosh, Heintzelman, Hook, McCallum, McNeill, Norman, Tilford, Waite and Wilson—13.

So the motion was lost.

On the question of ordering the bill to be engrossed, the ayes and noes were demanded by Messrs. Cosby, French and Heintzelman, with the following result:

AYES.

Messrs. Bynum, Coffroth, Day, Dosh, Ferguson, Fiske, Flint, French, Hawks, Hawthorne, Lippincott, Rust, Scellen, Tilford and Westmoreland—15.

NOES.

Messrs. Burnett, Burton, Cosby, Crandall, Heintzelman, Hook, Mandeville, McCallum, McNeill, Norman, Waite and Wilson—12.

So the Bill was ordered to be engrossed for a third reading.

Mr. Burton presented the following report:

*Mr. President:*

The Enrolling Committee have examined and find correctly enrolled the following Bills:

An Act to Fund the Indebtedness of the State now existing in the form of Controller's Warrants, drawn on the General Fund, or that may be outstanding on

the 1st of January, 1857, for indebtedness accruing prior to 1st of January, 1857 and

An Act to authorize the Funding of the Debt of the City of San José, and to provide for the payment of the same.

E. F. BURTON.

On motion of Mr. Dosh, the Senate adjourned.

## IN SENATE.

SATURDAY, April 19, 1856.

Senate met pursuant to adjournment.

Lieutenant Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of yesterday read and approved.

Leave was granted Mr. Shaw to change his vote from the negative to the affirmative on Senate Bill concerning certain Expenses pertaining to the State Prison, from the first day of January, 1856.

Mr. Burton presented the following reports :

*Mr. President :*

The Committee on Enrollment have examined and found correctly enrolled—

An Act to amend the Act entitled "An Act concerning the Courts of Justice of this State, and Judicial Officers," passed May 19, 1853; also,

An Act to amend "An Act dividing the State into Counties, and establishing the Seats of Justice therein," passed May 21, 1851; also,

An Act to authorize Benjamin F. Forsyth and others to construct a Wharf in Solano County; also,

An Act to amend "An Act to provide for the protection of Foreigners, and to define their Liabilities and Privileges," passed March 30, 1853, approved April 30, 1855; also,

A Bill for the Relief of David Frank Newsom; and,

An Act concerning Proceedings in Courts being in the Spanish Language.

E. F. BURTON.

*Mr. President :*

The Committee on Enrollment this day presented to the Governor Assembly Bills—

An Act to amend the Act entitled "An Act concerning the Courts of Justice of this State, and Judicial Officers," passed May 19, 1853 ; also,

An Act to amend "An Act dividing the State into Counties, and establishing the Seats of Justice therein," passed May 21, 1851 ; also,

An Act to authorize Benjamin F. Forsyth and others to construct a Wharf in Solano County ; also,

An Act to amend "An Act to provide for the protection of Foreigners, and to define their Liabilities and Privileges," passed March 30, 1853, approved April 30, 1857 ; also,

A Bill for the Relief of David Frank Newsom ; also,

An Act concerning Proceedings in Courts being in the Spanish Language ; also,

An Act to Fund the Indebtedness of the State, now existing in the form of Controller's Warrants drawn on the General Fund, or that may be outstanding on the first day of January, 1857, for indebtedness accruing prior to first of January, 1857 ; and,

An Act to authorize the Funding of the Debt of San José, and to provide for the payment of the same.

E. F. BURTON.

The following communication was received from the Controller of State:

CONTROLLER'S OFFICE, }  
April 19, 1856. }

*Hon. R. M. Anderson, President of Senate:*

Permit me, through you, to call the attention of the Secretary of the Senate to the Fourth Section of "An Act concerning the Salaries of Officers and Pay of the Members of the Legislature," passed May 11, 1852, which require him, at the close of the session, to certify to the Controller the number of days each member of the Senate has been absent from the Seat of Government during the session without leave.

Attention to the above will be necessary to enable Senators and Officers to draw their per diem for the present week.

Yours, with respect,

G. W. WHITMAN,  
Controller of State.

Mr. Hawks rose to a privileged question concerning an unauthorized alteration made in Assembly Bill No. 2, The Consolidation Act.

Mr. Ashley presented the following report :

*To the Honorable the Senate of the State of California, now in session :*

The Committee on Claims report, An Act for the relief of Daniel Aldrich, and not having heard of any facts entitling it to consideration, would recommend its indefinite postponement.

The claim of Chambers & Co. is returned to the Senate. The Committee have heard nothing on which they would be justified in recommending the claim, and hence suggest its reference to posterity.

We have considered the petition for relief on account of a church destroyed in Amador County, which the Senator of that District states happened by accident. We regret the loss, but do not perceive the liability of the State to appropriate money as a relief; misfortunes fall alike on the just and the unjust, and ordinarily it is not in the province of government to interfere. We advise no further action on the claim.

The Act for the relief of H. L. Wheeler is returned for the action of the Senate.

The claim of Brown, for rent of buildings at Sacramento by the Prefect, before the organization of Sacramento County, is returned. The Committee deem its payment by the State as of very doubtful propriety.

The claim of Mr. Hunt for services on a requisition for the arrest of a fugitive from justice, is returned for consideration.

The Committee have no other claims pending before them.

D. R. ASHLEY,  
Chairman.

Leave being granted, Mr. Ashley introduced a Bill for An Act for the relief of E. L. Brown.

Read a first time and placed on file.

Mr. Ashley, from the Committee on Public Lands, made a verbal report, and introduced a Substitute for Assembly Bill for An Act to provide for a Final Settlement with S. A. McMeans, late State Treasurer.

On motion, the rules were suspended, the Bill read a first, second and third times, and passed.

Mr. Ashley presented the following report:

*Mr. President:*

The Committee on Public Lands report Assembly Bill No. 164, with an amendment, and recommend the passage of the Bill as amended, it being to authorize Sidwell and others to build a wharf.

To the Act for the Sale of Swamp and Overflowed Lands, we propose an amendment to protect the State as to its lands below tide water. As the Bill now stands, there is no doubt the lands of the State under tide water, in the bays and harbors, would be seized upon by monopolists. Such a result would be deplored by the actual settlers on swamp lands proper, and would entail a curse on the State. The Bill is ostensibly for the benefit of settlers on overflowed and swamp lands, and we wish it confined to those purposes. It is only by constant vigilance that the untiring efforts of speculators to seize upon the water fronts of our cities and towns, can be defeated.

D. R. ASHLEY,  
Chairman.

Mr. Ashley moved to suspend the rules, in order to consider Assembly Bill No. 164.

The ayes and noes were demanded by Messrs. French, Heintzelman and Mandeville, with the following result:

AYES.

Messrs. Ashley, Burnett, Bynum, Coffroth, Flint, Gove, Heintzelman, Rust Shaw and Waite—10.



NOES.

Messrs. Burton, Dosh, Fiske, French, Hook, Lippincott, Mandeville, McCallum, McGee, Norman, Scellen, Tilford, Westmoreland and Wilson—14.

So the motion was lost.

Mr. Hook presented the following report :

*Mr. President :*

The Committee on Roads and Highways, to whom was referred Assembly Bill No. 213, An Act to authorize certain persons therein named to construct a wagon road from Shasta City, Sacramento Valley, to Shasta Valley, and to regulate tolls to be collected on the same, would beg leave to report the same back and recommend its indefinite postponement.

The Bill was placed on the Calendar.

Mr. Hook, from the same committee, made a verbal report, and returned Assembly Bill No. 244, recommending it to be indefinitely postponed, An Act amendatory of an Act entitled "An Act to suppress Houses of Ill-Fame."

The Bill was placed on the Calendar.

Mr. McCoun, from the Finance Committee, reported back Senate Bill No. 188, An Act appropriating Six Thousand Dollars for the payment of the Salaries of Officers and Attaches of the Senate.

On motion, the rules were suspended, the Bill read a third time, and passed.

Mr. McCallum presented the following report :

*Mr. President :*

The Committee on Engrossed Bills have examined Senate Bill No. —, entitled An Act concerning certain Expenses pertaining to the State Prison, from the first day of June, A. D. 1855, to the first day of January, A. D. 1856, and find the same correctly engrossed.

J. G. McCALLUM,  
Chairman.

Mr. Flint presented the following report :

*Mr. President :*

A majority of your Committee on Elections, to whom was referred Assembly Bill No. 269, entitled An Act to Prevent Frauds in Elections and to define the duties of Electors in the incorporated towns and cities of this State, beg leave to report a substitute therefor, and recommend its adoption.

The majority of your Committee regard the Registry Act, as it passed the Assembly, unconstitutional and dangerous in its provisions. It gives the appointment of Registry Commissioners to a partizan officer of the State, and introduces into our elective franchise new features, so entirely in conflict with a representa-

tive system of government, that only one of its many sections need be examined to show the atrocities which it is calculated to perpetuate upon the rights of the elector.

Section 13, reads: "Any qualified elector believing or knowing the name of any elector to be improperly or illegally registered, may have the same stricken from the registry on good cause shown, and proof thereof by competent witnesses, to the satisfaction of the Board, provided, that the names of all persons intended to be stricken from the Registry together with the names of the persons applying to strike off the same, shall have been posted in the room of the Board of Registry, in a conspicuous public place, for twenty-four hours, and notice shall have been first given in writing, of the time, place and grounds for such motion, and service thereof have been made, either personally upon the party so improperly or illegally registered, or by leaving the same at his residence, as shown by such registry, with some person of lawful age, at least twenty-four hours prior to the time fixed therein for making such motion, and if such elector be absent from his residence, then by placing one copy of such notice under the door or within the house, and posting another copy upon the door thereof or of the room designated as occupied by such elector."

There are engaged in mercantile and other pursuits, which call them to distant parts of the State, many citizens, and on the river, bay and coast trade thousands of men whose homes and families are in San Francisco. These men may have registered their names and gone about their distant avocations. Imagine their surprise on returning a day or two before, or on the day of election, at finding their names stricken from the registry, and themselves thereby disfranchised of the dearest right of a freeman, and this by false evidence which it is too late to refute. In all attempts to aggrandize power and perpetuate party dominancy, your Committee are constrained to believe, this Registry Act has no parallel. Your Committee do not deem it necessary to allude to other provisions of the proposed Act equally absurd, to convince any fair and liberal mind, that such a law, if submitted to by the people, would establish an oligarchy and subvert the Republic.

Your Committee believe, that the substitute offered, while it will deprive no man of his rights, will most effectually protect the integrity of the ballot-box.

WILSON FLINT.

Of Committee.

The Bill was placed on the Calendar.

Mr. Coffroth presented the following report :

*Mr. President :*

The Tuolumne Delegation, to whom was referred An Act to Enforce the Collection of Road Tax in the County of Tuolumne, report the same back with amendments and recommend its passage.

J. W. COFFROTH.

The amendments to the bill were concurred in *seriatim*.

On the question of passing the bill, the ayes and noes were demanded by Messrs. Coffroth, French and Rust, with the following result :

AYES.

Messrs. Ashley, Burnett, Bynum, Coffroth, Day, Dosh, Hawks, McCoun, McGee, Rust, Scellen, Tilford and Wilson—13.

NOES.

Messrs. Burton, Cosby, Crandall, Fiske, Flint, French, Gove, Heintzelman, Hook, Mandeville, McCallum, McNeill, Shaw, Waite and Westmoreland—15.

So the Senate refused to have the bill read a third time.

Mr. McCoun, from a Select Committee, reported back Assembly Bill No. 189, An Act to Incorporate the Town of Martinez, with amendments.

The amendments were concurred in *seriatim*.

On motion, the rules suspended, the Bill read a third time and passed.

Mr. Day presented the following report :

*Mr. President :*

The Select Committee, to whom was referred An Act amendatory of and supplementary to An Act, passed April 30, 1855, entitled "An Act to provide for Funding the Outstanding Debt of the City of Oakland, and to Prevent the creation of new Debts by said City, have had the same under consideration and hereby with report the Bill back and recommend its passage, with the following amendments :

S. DAY,  
Select Committee.

On motion, the rules were suspended, and the Bill taken under consideration in Committee of the Whole.

Mr. Coffroth moved to lay the Bill on the table.

Lost.

On motion, the Committee's amendments were concurred in.

Mr. Shaw moved to strike out the word "five" in section eight, and insert "seventy."

Lost.

Mr. Coffroth moved to amend section nine by inserting the words "or may be" after the word "is."

Adopted.

The Bill was read a third time, and on the question of its passage the ayes and noes were demanded by Messrs. Coffroth, McCoun and French, with the following result :

AYES.

Messrs. Burnett, Bynum, Cosby, Day, Dosh, Ferguson, Fiske, French, Gove, Lippincott, Mandeville, McNeill, Scellen, Waite and Westmoreland—15.

## NOES.

Messrs. Burton, Coffroth and McCoun—3.

So the Bill was passed.

Mr. Bynum presented the following report :

*Mr. President :*

Your Special Committee, to whom was referred Assembly Bill No. 154, entitled An Act to repeal the several Acts exempting Firemen from Militia Service and Jury Duty, so far as the same extends to Solano County, have had the same under consideration, and respectfully recommend the passage of the same.

S. BYNUM,  
Committee.

Mr. McCoun moved to suspend the rules that the Bill might be considered now.

Lost.

Mr. Bynum presented the following report :

*Mr. President :*

Your Special Committee to whom was referred Assembly Bill No. 205, entitled An Act to Legalize Certain Records in the County of Solano, have had the same under consideration and respectfully recommend the passage thereof.

S. BYNUM,  
Committee.

The Bill was placed on file.

Mr. Burnett presented the following report :

*Mr. President :*

The Committee of Free Conference appointed upon An Act concerning Hogs found Running at Large in the Counties of Marin and Santa Clara, have had the same under consideration and respectfully report the same back, recommending the following amendments, viz : Strike out the words "San Joaquin" wherever they occur in the Bill, adopting the remaining Senate amendments, and add to the end of the last section the following :

*Provided*, That the provisions of this Bill shall not apply to the County of Yuba during the months of August, September, October and November of each year.

W. C. BURNETT,  
Ch'n Senate Committee.  
R. M. TURNER,  
Of House Committee.

On motion the amendments proposed by the Committee were concurred in.



Mr. Ferguson presented a bundle of Bills from the Judiciary Committee, which without reading, were placed on file.

Mr. Ferguson presented the following report :

*Mr. President :*

The Judiciary Committee to whom was referred the report of the Select Committee on Senate Bill No. 180, have had the same under consideration, and beg leave to report the same back and the adoption of the following substitute.

W. I. FERGUSON,  
Chairman.

A motion to suspend the rules that the substitute might be considered was lost.

The Bill and substitute were placed on file.

Mr. Bynum presented the following report :

*Mr. President :*

Your Special Committee to whom was referred Assembly Bill No. 36, entitled An Act to amend an Act entitled "An Act Dividing the State into Counties and Establishing Seats of Justice therein," passed April 25th, 1851, have had the same under consideration, and have disagreed upon the amendments proposed to said Bill, and the undersigned, one of the Committee, reports the original Bill back to the Senate with the following amendments :

Amendments to section one—In line sixteen of section one, commence and strike out the words "along the eastern side of said valley to the northern end of said valley, thence in a northerly direction," and insert the following : "Northerly to the top of the mountains dividing Berryesa Valley from Sacramento Valley, thence northerly along the top of said ridge;" and after the word "mouth" in fortieth line of same section, insert the words "thence due East to the center of Napa River."

Amendments to section two—In line thirteen, section two, commence and strike out the words "thence in a direct line to the East side of Berreyesa Valley, thence along the eastern side of said valley to the North end of said valley;" and in line seventeen of same section, after the word "line," insert "with the boundary line of Napa County;" and respectfully recommends the adoption of the amendments as proposed, and the passage of the original Bill with said amendments.

S. BYNUM,  
Of Committee.

Mr. Heintzelman presented the following report :

*Mr. President :*

Your Special Committee to whom was referred Assembly Bill No. 36, entitled An Act to amend "An Act dividing the State into Counties, and establishing the Seats of Justice therein," passed April 25th, 1851, have had the same under consideration, and beg leave to report a substitute, and recommend the passage of the substitute.

H. P. HEINTZELMAN.

Mr. Tilford presented the following report :

*Mr. President :*

The San Francisco Delegation, to whom was referred Assembly Bill No. 252, have had the same under consideration, and recommend its passage.

F. TILFORD,  
WM. J. SHAW,  
WILSON FLINT.

A motion to suspend the rules that the Bill might be considered, was lost.

The Bill was placed on file.

Mr. Ferguson presented the following report :

*Mr. President :*

The Sacramento Delegation, to whom was referred Assembly Bill No. 138, have had the same under consideration, and report the same back for the consideration of the Senate.

A. S. GOVE,  
W. I. FERGUSON.

A motion to suspend the rules that the Bill might be considered, was lost, and it was placed on file.

The following Message was received from his Excellency, the Governor :

EXECUTIVE DEPARTMENT,  
Sacramento, April 18, 1856. }

*To the Senate of California :*

I have this day approved an Act originating in the Senate, entitled An Act to provide for the Construction of the State Capitol in the City of Sacramento.

I have also this day approved An Act to authorize the Funding of the Debt of the City of San José, and to provide for the payment of the same ; and, also,

An Act to Fund the Indebtedness of the State, now existing, in the form of Controller's Warrants drawn on the General Fund, or that may be outstanding on the 1st of January, 1857, or Warrants issued for Indebtedness accruing prior to 1st of January, 1857.

J. NEELY JOHNSON.

The following communication was received from the Secretary of the Senate :

SENATE CHAMBER, - }  
April 19, 1856. }

*To the Hon. the President of the Senate :*

SIR—In answer to a communication addressed to you, over date of to-day, directing the attention of the Secretary of the Senate to the fourth section of "An Act concerning the Salaries of Officers and Pay of the Members of the Legislature," passed May 11th, 1852, I respectfully ask leave to state, that inasmuch as

the Senate has had no Roll-call during a greater portion of the present session of the Legislature, that it would be impossible for the Secretary to comply with the letter of the law.

Very respectfully,

W. BAUSMAN,  
Secretary of the Senate.

Mr. Coffroth moved that the Secretary report that there were no absentees.

Agreed to.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 18, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly on this day passed Assembly Bill No. 256, An Act concerning the Office of Surveyor-General ; and Assembly Bill No. 257, An Act to fix the Compensation of the County Judge of the County of Yolo."

Respectfully submitted,

ALEX. M. HAYDEN,  
Assistant Clerk of Assembly.

The following message was received from the Assembly :

*Mr. President :*

The Assembly have passed Substitute for Bill No. 79, An Act amendatory of, and supplementary to an Act entitled "An Act defining the legal distances from the County Seats of each county in the State of California, to the State Capitol at Sacramento, to the State Lunatic Asylum at Stockton, and the State Prison at San Quentin;" also,

Bill No. 212, An Act to fix the compensation of the County Judge of Napa County; also,

Bill No. 237, An Act to prohibit the erection of weirs and other obstructions to the run of salmon; also,

Bill No. 274, An Act appropriating money to defray the expenses of transporting Convicts to the State Prison; and

Bill No. 207, An Act for the relief of the heirs of John C. Gulick, deceased.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Bill No. 256, was read a first time and placed on file.

Assembly Bill No. 257, was read a first time and placed on file.

The same action was had upon Assembly Bills Nos. 79, 220, 212 and 237.

On a motion to suspend the rules, that Bill No. 274, might be read a second time, the ayes and noes were demanded by Messrs. Shaw, Ashley and Flint, with the following result:

## AYES.

Messrs. Burnett, Burton, Coffroth, Cosby, Dosh, Ferguson, French, Gove, Hawthorne, Lippincott, McCallum, Norman, Rust, Seellen and Wilson—15.

## NOES.

Messrs. Ashley, Crandall, Fiske, Flint, Hook, Mandeville, McCoun, McGee, McNeill, Shaw, Tilford, Waite and Westmoreland—13.

So the motion prevailed, and the Bill was read a second time and placed on file.

Mr. Tilford presented the following report :

*Mr. President :*

Your Committee on Enrollment have examined and found correctly enrolled—An Act amendatory of, and supplementary to, an Act entitled "An Act concerning crimes and punishments," passed April 16, 1850; and

An Act to amend an Act entitled "An Act concerning crimes and punishments," passed April 16, 1850.

F. TILFORD.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
Sacramento, April 19, 1856. }

*Mr. President :*

The Assembly have passed Senate Bill No. 48, An Act amendatory of "An Act to provide revenue for the support of the Government of this State," passed April 27, 1855.

Respectfully Submitted,

J. M. ANDERSON,  
Clerk of Assembly.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
Sacramento, April 19, 1856. }

*Mr. President :*

I am directed to inform the Senate, that the Assembly have this day amended and passed Senate Bill No. 181, An Act concerning certain expenses pertaining to the office of Surveyor-General, and to appropriate money for the payment of the same. The amendment is shown in the Bill.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

A motion to suspend the rules, to consider Assembly Bill No. 207, was lost.



The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
Sacramento, April 19, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly have, this day, concurred in Senate amendment to Senate Bill No. 45, An Act to Incorporate the City of Nevada ; also,

Concurred in Senate amendment to Senate Bill No. 131, An Act to provide for the Incorporation of Towns.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

On the question of concurring in the Assembly amendments to Senate Bill No. 181, the ayes and noes were demanded by Messrs. French, Norman and Flint, with the following result :

AYES.

Messrs. Coffroth, Gove, McGee and Scellen—4.

NOES.

Messrs. Ashley, Burnett, Burton, Cosby, Crandall, Dosh, Fiske, Flint, French, Hawks, Hawthorne, Hook, Lippincott, Mandeville, McCallum, McNeill, Norman, Shaw, Waite, Westmoreland and Wilson—21.

So the Senate refused to concur in the amendments.

Mr. Mandeville moved that a Committee of Conference be appointed on the disagreeing votes.

Carried.

The Chair appointed Messrs. Mandeville, Ashley and French, said committee.

The following message was received from His Excellency the Governor :

EXECUTIVE DEPARTMENT, }  
Sacramento, April 19th, 1856. }

*To the Honorable the Senate of the State of California :*

I have this day approved An Act to provide for the Appointment of a Reporter to the Supreme Court, and to define his Duties and Compensation ; also,

An Act to enable the County of Placer to take and hold Stock in any Company having for its object the Extension of the Sacramento Valley Railroad to the Town of Auburn ; also,

An Act to Fund the Debt of the County of Napa and provide for the Payment of the same ; also,

A Bill for the Relief of David Frank Newsom ; also,

An Act to repeal an Act entitled "An Act to amend an Act to provide for the Protection of Foreigners, and to Define their Liabilities and Privileges," passed March 30th, 1853, approved April 30th, 1855, and to revise the Original Act; also,

A Bill for an Act to amend an Act entitled "An Act concerning the Courts of Justice of this State and Judicial Officers," passed May 19, 1853; and,

An Act to amend Section First of "An Act dividing the State into Counties, and establishing the Seats of Justice therein," passed April 25th, 1851.

J. NEELY JOHNSON.

The following message was received from the Assembly!

ASSEMBLY CHAMBER, }  
April 19th, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed—

Assembly Bill No. 270, An Act to authorize the Treasurer of San Bernardino County to retain Money belonging to the General Fund of the State for the benefit of the San Bernardino Rangers; also,

Assembly Bill No. 264, An Act to fix the Compensation of the District Attorney for the County of Napa; also,

Assembly Bill No. 266, An Act for the relief of Richard Cole; also,

Assembly Bill No. 311, An Act to Incorporate the Town of Columbia; also,

Assembly Bill No. 313, An Act to amend an Act entitled "An Act dividing the State into Counties and establishing the Seats of Justice therein," passed April 14th, 1851, amended March 31st, 1854; also,

Assembly Substitute for Bill No. 166, An Act to regulate Mortgages on Mining Claims; also,

Substitute for Assembly Bill No. 230, An Act to amend an Act entitled "An Act concerning Fraudulent Conveyances and Contracts," passed April 19th 1850; also,

Assembly Bill No. 275, An Act amendatory of, and supplementary to, "An Act concerning Corporations," passed April 22d, 1850; also,

Assembly Bill No. 258, An Act amending "An Act defining the Boundaries of Merced County and to provide for its Organization," approved April 19th, 1855; also,

Substitute for Assembly Bill No. 260, An Act to authorize B. Nordhimer, F. F. Mare, and others, to construct a Wharf at Trinidad; and,

Senate Bill No. 158, An Act concerning the Records of Yuba County.

Respectfully submitted,

ALEX. M. HAYDEN,  
Assistant Clerk of Assembly.

Assembly Bill No. 311 was read a first and second times, and referred to the Tuolumne Delegation.

Assembly Bills Nos. 313, 166, 258, 275 and 264, was read a first time, and placed on the Calendar.

Mr. Mandeville moved to suspend the rules, that Bill No. 270 might be considered.

Lost.

The Bill was placed on file.

Assembly Bills Nos. 266, 230 and 260 were read a first time and placed on file.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 19, 1856. }

*Mr. President :*

I am directed by the Assembly to inform the Senate, that they have this day adopted Senate Substitute entitled An Act to provide for the Settlement of certain Accounts, and amended the same, as therein shown.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

On the question of concurring in the Assembly amendments to the Bill, it was lost.

Mr. Ashley moved that a Committee of Conference be appointed on the disagreeing vote.

Agreed to.

The Chair appointed Messrs. Ashley, Waite and McCoun said Committee.

Mr. Ashley presented the following report :

*Mr. President :*

Your Committee on Enrollment have examined and find correctly enrolled—  
An Act to incorporate the City of Nevada; and,  
An Act to provide for the Incorporation of Towns.

D. R. ASHLEY,  
Chairman.

Mr. Ferguson presented the following report :

The Judiciary Committee, to whom was referred Assembly Bill No. 241, entitled An Act to amend "An Act to regulate Fees of Office," approved April 10, 1855, have had the same under consideration, and recommended its passage.

W. I. FERGUSON,  
Chairman.

Mr. Ferguson moved to suspend the rules, that the Bill might be considered.

Lost.

The Bill was placed on file.

On motion of Mr. Rust, the rules were suspended to take up Assembly Bill No. 160, to submit the question of the removal and location of the County Seat of Sutter County, to the voters of said county.

The Bill was read a third time and passed.

Mr. Burnett moved to reconsider the vote by which the Act for the relief of Thomas C. Brunton, was indefinitely postponed.

Mr. Norman moved to indefinitely postpone the motion to reconsider.

Mr. Coffroth moved a call of the Senate.

Carried.

The roll was called, and Messrs. McGee and Waite found to be absent without leave.

On motion of Mr. Hawks, further proceedings under the call were dispensed with.

On the motion to indefinitely postpone the motion to reconsider, the ayes and noes were demanded by Messrs. Coffroth, Norman and Shaw, with the following result:

AYES.

Messrs. Cosby, Crandall, Heintzelman, Hook, McCallum, McNeill, Norman, Shaw, Tilford, Waite and Wilson—11.

NOES.

Messrs. Burton, Bynum, Coffroth, Day, Ferguson, Flint, French, Gove, Hawks, Lippincott, Mandeville, McCoun, Rust and Westmoreland—14.

So the motion was lost.

The question recurred on the motion to reconsider.

The ayes and noes were demanded by Messrs. Coffroth, Norman and Hawks, with the following result:

AYES.

Messrs. Burton, Bynum, Coffroth, Dosh, Ferguson, French, Gove, Hawks, Lippincott, Mandeville, McCoun and Rust—12.

NOES.

Messrs. Burnett, Cosby, Crandall, Heintzelman, Hook, McCallum, McNeill, Norman, Shaw, Waite and Wilson—11.

So the motion prevailed, and the vote was reconsidered.



Mr. Coffroth moved that the Bill be referred to a Committee of three, with instructions to report the Bill back in half an hour.

Agreed to.

The Chair appointed Messrs. Coffroth, McCallum and Tilford said Committee.

Mr. Tilford asked leave to introduce a Bill.

Objection being made, Mr. Rust moved that the rules be suspended for that purpose, upon which the ayes and noes were demanded by Messrs. Tilford, Bynum and Rust, with the following result:

AYES.

Messrs. Burnett, Burton, Bynum, Coffroth, Ferguson, Flint, Gove, Hawthorne, McCallum, McGee, Rust, Tilford and Waite—13.

NOES.

Messrs. Cosby, Crandall, French, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman and Westmoreland—10.

The motion requiring a two-thirds vote was lost.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
April 19, 1856. }

*Mr. President:*

I am directed to inform the Senate, that the Assembly have this day passed Senate Bill No. 121, An Act for the relief of James Herrick; and

Passed Senate Bill No. 188, An Act to appropriate \$6,000 for payment of salaries of officers and attachés of the Senate.

Respectfully submitted,

J. M. ANDERSON,  
Clerk Assembly.

Mr. Mandeville moved to take up Assembly Bill for the relief of Richard C. Barry.

The ayes and noes were demanded by Messrs. Mandeville, Hawks and Hook, with the following result:

AYES.

Messrs. Coffroth, Gove, Hawks, Hook, Lippincott and Mandeville—6.

## NOES.

Messrs. Ashley, Burnett, Burton, Cosby, Crandall, Fiske, French, Hawthorne, Heintzelman, McCallum, McCoun, McGee, McNeill, Norman, Shaw, Westmoreland and Wilson—17.

So the motion was lost.

Mr. Cosby moved to take up the resolution for the relief of Olive Oatman.

Lost.

Senate Bill No. 151, An Act to Create the County of Aromas, and provide for the organization thereof, came up on its third reading.

On the question of reading the Bill a third time, the ayes and noes were demanded by Messrs. Cosby, French and Norman, with the following result:

## AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Ferguson, Fiske, Flint, Hawks, Hawthorne, McCoun, Rust, Shaw, Waite, Westmoreland and Wilson—15.

## NOES.

Messrs. Cosby, Crandall, Day, French, Gove, Heintzelman, Hook, Lippincott, Norman and Tilford—10.

So the Bill was ordered to its third reading.

On the passage of the Bill the ayes and noes were demanded by Messrs. Ashley, Cosby and Shaw, with the following result:

## AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Ferguson, Hawks, Hawthorne, McCallum, McCoun, McNeill, Shaw, Westmoreland and Wilson—15.

## NOES.

Messrs. Crandall, Day, Flint, French, Gove, Heintzelman, Hook, Lippincott, Mandeville and Norman—10.

So the Bill was passed.

Mr. Tilford presented the following reports:

*Mr. President :*

Your Committee on Enrollment, have examined the following Bills and found the same correctly enrolled, An Act amendatory of "An Act to provide revenue for the support of the Government of this State," passed April 27th, 1855; also,

An Act to appropriate \$6,000 for payment of Salaries of officers and attaches of the Senate; and

An Act for the Relief of James Herrick.

F. TILFORD,  
Chairman.

*Mr. President :*

Your Committee on Enrollment have this day presented to the Governor the following Bills :

An Act to Incorporate the City of Nevada; and

An Act to provide for the Incorporation of Towns.

F. TILFORD,  
Chairman.

*Mr. President :*

Your Committee on Enrollment have this day presented to his Excellency, the Governor, for his signature, Senate Bill No. 42, for An Act to amend an Act entitled "An Act concerning Crimes and Punishments," passed April 16, 1850; and

Senate Bill No. 43, for An Act amendatory of and supplementary to "An Act concerning Crimes and Punishments," passed April 16, 1850.

F. TILFORD,  
Chairman.

Mr. Norman moved to adjourn.

Lost.

Senate Committee of Claims Substitute Bill No. 179, came up on its third reading.

Mr. Norman moved a call of the Senate.

Carried.

The roll was called, and Messrs. Dosh, McGee and Scellen, found to be absent without leave.

On motion of Mr. Hawks, further proceedings under the call were dispensed with.

On the question of reading the Bill a third time, the ayes and noes were demanded by Messrs. Hawks, Norman and Shaw, with the following result:

AYES.

Messrs. Ashley, Bynum, Coffroth, Day, Dosh, Ferguson, Fiske, Flint, French, Hawks, Hawthorne, Lippincott, McCoun, Tilford and Westinoreland—15.

NOES.

Messrs. Burnett, Burton, Cosby, Crandall, Gove, Heintzelman, Hook, Mandeville, McCallum, McNeill, Norman, Shaw and Wilson—13.

The Bill was read a third time, and on the question of its passage the ayes and noes were demanded by Messrs. Hawks, Heintzelman and Cosby, with the following result:

## AYES.

Messrs. Ashley, Bynum, Coffroth, Day, Ferguson, Fiske, Flint, French, Hawks, Hawthorne, Lippincott, McCoun, Rust and Westmoreland—14.

## NOES.

Messrs. Burnett, Burton, Cosby, Crandall, Heintzelman, Hook, Mandeville, McCallum, McNeill, Norman, Shaw, Tilford, Waite and Wilson—14.

So the Bill was lost.

Mr. Coffroth, from a Special Committee, reported back Assembly Bill No. 223, An Act for the Relief of Thomas C. Brunton, with an amendment, which was concurred in by the Senate.

Mr. Norman offered the following amendment to the Bill :

SECTION —. Each Senator and Representative, in the present Legislature, is hereby requested to allow one day's *per diem* for the relief of said Brunton, and the Controller of State is hereby authorized to draw his warrants for the same in favor of said Brunton.

Mr. French demanded the previous question.

Sustained.

And the question being, "Shall the main question be now put?" it was decided in the affirmative.

The question recurring on the adoption of the amendment, the ayes and noes were demanded by Messrs. Norman, Shaw and Heintzelman, with the following result :

## AYES.

Messrs. Crandall, Fiske, Heintzelman, McNeill, Norman and Shaw—6.

## NOES.

Messrs. Burton, Bynum, Coffroth, Cosby, Day, Ferguson, French, Gove, Hawks, Hawthorne, Lippincott, Maudeville, McCoun, Rust and Tilford—15.

So the amendment was rejected.

On the question of reading the Bill a third time, the ayes and noes were demanded by Messrs. Fiske, Norman and Hawks, with the following result :

## AYES.

Messrs. Bynum, Coffroth, Day, Ferguson, Flint, French, Gove, Hawks, Hawthorne, Lippincott, Mandeville, McCoun, Rust and Westmoreland—14.



NOES.

Messrs. Burton, Cosby, Crandall, Fiske, Heintzelman, McNeill, Norman, Shaw, Tilford and Wilson—10.

So the Bill was read a third time, and the question being on its passage, the ayes and noes were demanded by Messrs. Shaw, Cosby and Heintzelman, with the following result :

AYES.

Messrs. Bynum, Coffroth, Day, Ferguson, Flint, French, Gove, Hawks, Lippincott, Mandeville, McCoun and Rust—12.

NOES.

Messrs. Burton, Cosby, Crandall, Fiske, Heintzelman, McNeill, Norman, Shaw, Tilford and Westmoreland—10.

So the Bill was passed.

Mr. Cosby moved to adjourn.

Lost.

Mr. Tilford presented the following report :

*Mr. President :*

Your Committee on Enrollment have this day presented to his Excellency the Governor, for his signature, An Act amendatory of "An Act to provide revenue for the support of the Government of this State," passed April 27, 1855 ; also,

An Act to appropriate six thousand dollars for payment of salaries of officers and attaches of the Senate ; also,

An Act for the relief of James Herrick ; and

An Act concerning the Records of Yuba County.

F. TILFORD,  
Chairman.

Mr. Tilford presented the following report :

*Mr. President :*

The Committee on Enrollment have examined, and found correctly enrolled, the following Bill : An Act concerning the Records of Yuba County.

F. TILFORD,  
Chairman.

The following message was received from His Excellency the Governor :

EXECUTIVE DEPARTMENT. }  
 Sacramento City, April 19, 1856. }

*To the Senate of California :*

I have this day approved the following Bills :  
 An Act to Incorporate the City of Nevada ;  
 An Act to provide for the Incorporation of Towns ;  
 An Act amendatory of, and supplementary to, an Act entitled "An Act concerning crimes and punishments," passed April 16, 1850; and  
 An Act to amend an Act entitled "An Act concerning crimes and punishments," passed April 16, 1850.

J. NEELY JOHNSON.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
 April 18, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly has this day passed—  
 Assembly Bill No. 310, An Act to authorize the Tax Collector of the City of San Francisco to sell property for unpaid taxes.

Respectfully submitted,

J. M. ANDERSON,  
 Clerk of Assembly.

The Bill was placed on file.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
 April 19, 1856. }

*Mr. President :*

I am directed to inform the Senate, that the Assembly have this day passed—  
 Substitute for Assembly Bill No. 197, An Act to amend an Act entitled "An Act to apportion the Senatorial and Assembly Districts of this State," passed May 18, 1853.

Respectfully submitted,

ALEX. M. HAYDEN,  
 Ass't Clerk of Assembly.

The Bill was placed on file.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
 April 19, 1856. }

*Mr. President :*

I am directed to inform the Senate, that the Assembly have this day passed—  
 Senate Bill No. 116, An Act to amend an Act entitled "An Act concerning Roads and Highways," passed April 28, 1855.

Respectfully submitted,

A. M. HAYDEN,  
 Ass't Clerk Assembly.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
Sacramento, April 19, 1856. }

*Mr. President :*

The Assembly, on this day, passed Assembly Bill No. 308, An Act for the relief of Xavier Van de Castelee, Trustee for Henriette Delie.

Respectfully submitted,

ALEX. M. HAYDEN,  
Assistant Clerk Assembly.

The Bill was read a first time and placed on file.

Mr. Rust moved to take from the table Senate Bill No. 313, amending "An Act to divide the State into Counties, and establishing the Seats of Justice therein," passed April 25, 1851, amended March 31, 1854.

Carried.

The Bill was read a third time and passed.

Mr. Coffroth, from a Select Committee, reported back Assembly Bill No. 311. An Act to Incorporate the town of Columbia, with an amendment.

On motion, the amendment was concurred in, the bill read a third time and passed.

Leave being granted, Mr. Ashley introduced a Bill for An Act to pay the Lieutenant Governor for services rendered as a Member of the Board of State Prison Commissioners, read a first and second times.

On motion, the rules were suspended, the Bill read a third time and passed.

Bills on the Calendar—

The Senate took up Senate Bill No. 168.

On motion, laid upon the table.

Assembly Bill No. 33, An Act in relation to Escheated Estates was taken up.

Mr. Lippincott moved a call of the Senate.

Lost.

The Bill was read a third time.

Mr. Burnett demanded the previous question.

Sustained.

And the question being, "Shall the main question be now put?" it was decided in the affirmative.

On the passage of the Bill, the ayes and noes were demanded, with the following result:

## AYES.

Messrs. Bynum, Coffroth, Cosby, Day, Ferguson, Flint, French, Gove, Hawks, Hawthorne, Heintzelman, Hook, Lippincott, Mandeville, McCallum, McNeill, Norman, Scellen, Shaw, Tilford, Waite and Wilson—22.

## NOES.

Messrs. Ashley, Burnett, Burton, Crandall and Fiske—5.

So the Bill was passed.

Mr. Mandeville, from a Select Committee, reported back Senate Bill to settle accounts of certain officers.

The Senate refused to concur in the amendments.

Assembly Bill No. 138, An Act to authorize the Board of Supervisors of Sacramento County to employ the County Prisoners, was taken up.

Mr. Ferguson offered an amendment to the Bill, striking out the word "warden" where it occurs, and inserting the word "sheriff."

On the question of adopting the amendments the ayes and noes were demanded by Messrs. Gove, Flint and French, with the following result:

## AYES.

Messrs. Burnett, Bynum, Cosby, Ferguson, Fiske, Flint, Hawks, Hawthorne, Lippincott, McCallum, McCoun, Norman, Scellen and Westmoreland—14.

## NOES.

Messrs. Ashley, Crandall, French, Gove, Heintzelman, Hook, Mandeville, Shaw, Waite and Wilson—10.

So the amendment was adopted.

The Bill was then read a third time and passed.

Substitute for Senate Bill No. 122, An Act to create an Inspector of Pork, Beef and Salt Provisions in this State, was adopted.

On motion of Mr. French, the Bill was considered engrossed and read a third time.

On the question of the passage of the Bill, the ayes and noes were demanded by Messrs. Fiske, French and Hawks, with the following result:



AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Day, Ferguson, French, Gove, Hawks, Hawthorne, Hook, McCallum, McCoun, Tilford and Waite—16.

NOES.

Messrs. Crandall, Fiske, Norman, Rust, Scellen and Westmoreland—6.

So the Bill was passed.

Mr. Waite moved to take up the Revenue Bill.

The ayes and noes were demanded by Messrs. Waite, French and Heintzelman, with the following result :

AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Cosby, Ferguson, Fiske, Hawthorne, Heintzelman, Mandeville, McCallum, McNeill, Scellen, Shaw and Waite—15.

NOES.

Messrs. Coffroth, Crandall, Day, Flint, French, Gove, Hawks, Hook, Lippincott, McCoun, Norman, Rust, Tilford, Westmoreland and Wilson—15.

So the motion requiring a two-thirds vote was lost.

Mr. Waite moved to adjourn.

The ayes and noes were demanded by Messrs. Waite, Scellen and McCoun, with the following result :

AYES.

Messrs. Cosby, Crandall, Fiske, Heintzelman, Lippincott, Mandeville, Norman, Scellen, Shaw, Tilford, Waite, Westmoreland and Wilson—13.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Day, Ferguson, Flint, French, Gove, Hawks, Hawthorne, Hook, McCallum, McCoun, McNeill and Rust—17.

So the motion was lost.

Mr. Ashley moved that when the Senate adjourns it adjourns to meet this evening at 7½ o'clock.

The ayes and noes were demanded by Messrs. Hawks, Rust and Waite, with the following result :

## AYES.

Messrs. Ashley, Burnett, Burton, Bynum, Day, Ferguson, Flint, Gove, Hawks, Hawthorne, McCallum, McCoun, McNeill, Rust, Scellen and Waite—16.

## NOES.

Messrs. Cosby, Crandall, Fiske, French, Heintzelman, Hook, Lippincott, Mandeville, Norman, Shaw, Tilford, Westmoreland and Wilson—13.

So the motion prevailed.

On motion of Mr. McCallum, the Senate adjourned.

---

 IN SENATE.

MONDAY, April 21, 1856.

## MORNING SESSION.

Senate met pursuant to adjournment.

Lieutenant Governor in the Chair.

Prayer by Rev. Mr. Pratt.

Journal of Saturday read and approved.

Mr. Tilford presented the following report:

*Mr. President.*

Your Committee on Enrollment presented to the Governor on Saturday the following Bills:

An Act to amend an Act entitled "An Act Concerning Roads and Highways;" also

An Act to pay the Lieutenant Governor for service as Member of the Board of State Prison Commissioners; also

An Act agreeing to the Proposed Amendments to the Constitution, and providing for its submission to the People; also

An Act to provide for the payment of T. F. W. Price and Hiram Morgan.

E. F. BURTON.

Mr. Ashley presented the following report :

*Mr. President :*

Your Committee on Enrollment on yesterday presented to the Governor An Act to provide for the publication of the laws of this State as compiled and digested by Wm. H. R. Wood.

D. R. ASHLEY,  
Of the Committee.

Mr. Tilford presented the following report :

*Mr. President :*

Your Committee on Enrollment have examined, found correctly enrolled, and, on the 19th inst., presented to His Excellency the Governor, for his signature the following Bills, namely: An Act concerning certain Expenses pertaining to the office of Surveyor-General and to appropriate money for the payment of the same; "also,

An Act for the relief of Robert G. Crozier; and,

An Act to provide for the Funding of the Indebtedness of the City of Oakland and to prevent the creation of any new debt by said city.

F. TILFORD,  
Chairman.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,        }  
April 21, 1856. }

*Mr. President :*

The Assembly on Saturday, 19th inst., passed Assembly Bill No. 235, An Act to Incorporate the Sacramento Orphan Asylum Society in the City of Sacramento; also, on same day, passed Assembly Bill No. 215, An Act making appropriations for the payment of the rents of State Officers, and of a State Armory from the first day of February, A. D. 1856, to the first day of January, A. D. 1857.

Respectfully submitted,

ALEX. M. HAYDEN,  
Ass't Clerk of Assembly.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,        }  
April 21, 1856. }

*Mr. President :*

The Assembly on Saturday, 19th inst., passed the following Concurrent Resolution relative to the procurement of arms for the use of this State.

Respectfully Submitted,

ALEX. M. HAYDEN,  
Ass't Clerk Assembly.

The following Assembly Concurrent Resolution was read, and, on motion, concurred in :

WHEREAS, The isolated, exposed and unprotected condition of California, renders it the imperative duty of the Legislature to take immediate and earnest action in relation to the procurement from the General Government of arms and munitions of war for the protection of our citizens and the defenses of our State, Therefore

*Resolved*, By the Assembly, (the Senate concurring,) that our Senator in Congress be instructed, and our Representatives be requested to take prompt and energetic action to secure the passage of a special law by Congress during the present session, appropriating an advance issue of thirty thousand stand of arms, with ammunition, for the immediate use and protection of this State; and the Quartermaster and Adjutant-General of this State is hereby requested to lay such facts before our members, in regard to the number of arms heretofore received from the General Government, the number now due the State, and the number and kind now required.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 21, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly on Saturday, the 19th inst., passed

Senate Bill No. 152, An Act to amend "An Act to Incorporate the City of Monterey," approved May 11, 1853; also,

Senate Bill No. 136, An Act concerning the transportation of prisoners to the State Prison, and to appropriate money for the same; also,

Senate Bill No. 15, An Act to reduce and establish the salaries of Officers and pay of Members of the Legislature; and

Senate Bill No. 107, An Act to amend An Act entitled "An Act concerning the office of Treasurer of State," approved March 16, 1855.

Respectfully Submitted,

ALEX. M. HAYDEN,  
Ass't Clerk Assembly.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 21, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly, on Saturday, 19th inst., passed the following resolution :

*Resolved*, By the Assembly, (the Senate concurring,) that both of said bodies go into Joint Convention on Monday, the 21st day of April, 1856, at 4 o'clock P. M., to elect a Superintendent Physician and Ass't Physician, together with the Trustees for the Stockton State Insane Asylum, and for no other purpose.

Also passed Senate Bill No. 122, an Act entitled An Act to create Inspectors of Pork, Beef and Salt Provisions in this State.

Respectfully submitted,

ALEX. M. HAYDEN,  
Ass't Clerk Assembly.



Mr. Mandeville moved to indefinitely postpone the resolution.

Mr. Lippincott moved to adjourn till 7 o'clock.

The ayes and noes were demanded by Messrs. Coffroth, Lippincott and Heintzelman, with the following result :

AYES.

Messrs. Crandall, Day, Dosh, Flint, Gove, Heintzelman, Lippincott, Mandeville, McNeill, Rust, Shaw, Tilford and Wilson—13.

NOES.

Messrs. Burnett, Burton, Bynum, Coffroth, Cosby, Ferguson, Fiske, French, Hawthorne, Hook, McCallum, McCoun, McGee, Scellen, Waite and Westmoreland—15.

So the motion was lost.

Mr. Tilford demanded the previous question.

Sustained.

And the question being, "Shall the main question be now put?" it was decided in the affirmative.

On the indefinite postponement of the resolution, the ayes and noes were demanded by Messrs. Mandeville, Scellen and McCoun, with the following result :

AYES.

Messrs. Burton, Crandall, Day, Dosh, Fiske, Flint, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, Tilford, Waite and Wilson—19.

NOES.

Messrs. Burnett, Bynum, Coffroth, Cosby, Ferguson, Hawthorne, McCallum, McCoun, McGee, Scellen and Westmoreland—11.

So the resolution was indefinitely postponed.

Mr. Burton presented the following reports :

*Mr. President :*

The Enrolling Committee have examined and found correctly enrolled the following Bills—

An Act to establish the Pay of the Officers and Employees of the Senate and of the Assembly, and to repeal the existing Laws relating thereto ; also,

An Act to reduce and establish the Salaries of Officers and Pay of Members of the Legislature ; also,

An Act to amend the Act entitled "An Act concerning the Office of Treasurer of State," approved March 16, 1855 ; also,

An Act to amend an Act to incorporate the City of Monterey; also,  
 An Act concerning the Transportation of Prisoners to the State Prison, and to  
 Appropriate Money for the same; and,  
 An Act to provide for the Publication of Laws of this State as compiled and dig-  
 gested by William H. R. Wood.

E. F. BURTON.

*Mr. President :*

Your Committee on Enrollment presented to the Governor on yesterday—  
 An Act to reduce and establish the Salaries of Officers and Pay of Members of  
 the Legislature; also,  
 An Act to amend the Act entitled "An Act concerning the Office of Treasurer  
 of State," approved March 16, 1855; and,  
 An Act concerning the Transportation of Prisoners to the State Prison, and to  
 Appropriate Money for the same.

E. F. BURTON.

Mr. French moved to reconsider the vote by which the concurrent resolution  
 was indefinitely postponed.

Mr. Rust moved to indefinitely postpone the motion to reconsider.

Carried.

Mr. Flint presented the following Resolution, which was adopted :

*Resolved*, That the Controllor of State is hereby authorized to draw his warrant  
 on the Treasurer in favor of Ferris Forman for five hundred and ten dollars and  
 fifty-three cents, for postage accounts, and the same shall be paid out of the  
 Contingent Fund of the Senate.

Mr. Flint presented the following report :

*Mr. President :*

Your Committee on Contingent Expenses have examined the account of Ferris  
 Forman, Esq., for postage, and beg leave to report a resolution for his payment.

WILSON FLINT,  
 Chairman.

Mr. Burnett offered the following Resolution :

*Resolved*, That the Controllor of State is hereby authorized and instructed to  
 audit and allow the Sergeant-at-Arms of the Senate and an Assistant their *per*  
*dien* for ten days from the twenty-first day of April, A. D. 1856.

Mr. Heintzelman moved to strike out "ten," and insert "five," days.

The ayes and noes were demanded by Messrs. French, Shaw and Hook, with  
 the following result :

AYES.

Messrs. Burton, Cosby, Crandall, Day, Dosh, French, Gove, Heintzelman, Hoo  
 Mandeville, McCallum, McGee, McNeill, Norman, Rust, Shaw and Tilford—1

## NOES.

Messrs. Burnett, Bynum, Coffroth, Ferguson, Fiske, Flint, Hawthorne, McCoun, Scellen, Waite, Westmoreland and Wilson—12.

So the amendment was adopted.

Mr. Shaw moved to strike out the words "and an Assistant."

The ayes and noes were demanded by Messrs. French, Scellen and Shaw, with the following result :

## AYES.

Messrs. Burton, Cosby, Crandall, Day, French, Hook, McNeill, Norman, Shaw and Waite—10.

## NOES.

Messrs. Burnett, Bynum, Coffroth, Dosh, Ferguson, Fiske, Flint, Gove, Hawthorne, Lippincott, Mandeville, McCallum, McCoun, McGee, Scellen, Tiltford, Westmoreland and Wilson—18.

So the words were refused to be stricken out.

On the question of adopting the resolution as amended, the ayes and noes were demanded by Messrs. French, McNeill and Shaw, with the following result :

## AYES.

Messrs. Burnett, Bynum, Coffroth, Cosby, Crandall, Day, Dosh, Ferguson, Fiske, Flint, Gove, Hawthorne, Lippincott, Mandeville, McCallum, McCoun, Rust, Scellen, Tiltford, Westmoreland and Wilson—21.

## NOES.

Messrs. Burton, French, Heintzelman, Hook, McNeill, Norman, Shaw and Waite—8.

So the resolution as amended was adopted.

Mr. Coffroth offered the following Concurrent Resolution :

*Resolved*, By the Senate, the Assembly concurring, that the Secretary of State be directed to pay out of the Contingent Fund of the office, the sum of \$4,769 15, to John C. Cabanass, for fuel furnished for the State Offices and the Senate and Assembly, during the session of 1857.

Adopted.

Mr. Ferguson offered the following resolution :

*Resolved*, That the Secretary and Assistant Secretary of the Senate be allowed sixty days to finish up the business of the session, and that the Secretary be per-

mitted to retain, for that period of time, the services of a Journal Clerk, to assist him in his duties. The Controller of State is hereby authorized to draw his warrants on the State Treasurer, for the *per diem* allowance of these officers for the time specified, at the same rates as they have received during the present session of the Legislature.

Mr. Mandeville moved to strike out "sixty," and insert "thirty."

The ayes and noes were demanded by Messrs. Norman, French and Heintzelman, with the following result:

AYES.

Messrs. Ashley, Burnett, Cosby, Crandall, Dosh, French, Hawthorne, Heintzelman, Mandeville, McCallum, McNeill, Norman, Shaw, Waite and Wilson—15.

NOES.

Messrs. Burton, Bynum, Coffroth, Ferguson, Fiske, Gove, Lippincott, McCoun, Rust, Scellen and Westmoreland—12.

So the amendment was adopted.

Mr. French moved to strike out that portion of the resolution relating to the Journal Clerk.

The ayes and noes were demanded by Messrs. French, Shaw and McCoun, with the following result:

AYES.

Messrs. Ashley, Burnett, Cosby, Crandall, Day, Dosh, Flint, French, Heintzelman, Mandeville, McCallum, McNeill, Norman, Shaw, Waite and Wilson—16.

NOES.

Messrs. Burton, Bynum, Coffroth, Ferguson, Fiske, Gove, Hawthorne, Lippincott, McCoun, Rust, Scellen and Westmoreland—12.

So the motion prevailed.

On the question of adopting the resolution as amended, the ayes and noes were demanded by Messrs. French, Burnett and Burton, with the following result:

AYES.

Messrs. Ashley, Burton, Bynum, Coffroth, Cosby, Crandall, Day, Dosh, Ferguson, Fiske, Flint, Gove, Hawthorne, Lippincott, Mandeville, McCallum, McGee, Rust, Scellen, Westmoreland and Wilson—21.

NOES.

Messrs. Burnett, French, McCoun, McNeill, Norman and Shaw—6.



So the resolution as amended was adopted.

Mr. Burton offered the following resolution :

*Resolved*, That the Controller of State is hereby authorized to draw his warrant for \$36, to be paid out of the Contingent Fund of the Senate, in favor of James Langley for services as Assistant Enrolling Clerk of the Senate.

Adopted.

Mr. Heintzelman offered the following resolution :

*Resolved*, By the Senate, the Assembly concurring, That a Committee of three from each House be appointed to wait upon his Excellency the Governor, and ascertain whether he has any further communication to make to the Legislature, prior to its adjournment *sine die*.

Adopted.

The Chair appointed Messrs. Heintzelman, Burnett and Scellen said Committee.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 21, 1856. }

Mr. President :

The Assembly, on this day, passed Senate Bill No. 5, An Act to establish the pay of the officers and employees of the Senate, and of the Assembly, and to repeal the existing laws relating thereto.

Respectfully submitted,

ALEX. M. HAYDEN,  
Ass't Clerk of Assembly.

Mr. Ashley presented the following report :

Mr. President :

The Enrolling Committee have this day presented to the Governor, the Act to amend the Charter of the City of Monterey ; and

An Act to fix the pay of the officers and employees of the Senate and the Assembly.

D. R. ASHLEY,  
of the Committee.

The following communication was received from the Secretary of State :

OFFICE OF SECRETARY OF STATE, }  
Sacramento, April 21st, 1856. }

To the Hon. the Senate :

In compliance with the requirements of a resolution adopted by the Senate on the 19th inst., I herewith transmit a correct statement of the appropriations made at the present session of the Legislature, taken from the laws on file at this office.

I have the honor to be, very respectfully,

DAVID F. DOUGLASS.

*Appropriations of 1856.*

Feb'y 16. An Act making appropriation for the temporary support of the State Prison.....	\$15,000 00
March 12. An Act to call out a company of volunteers for the suppression of Indian hostilities in Klamath County.....	15,000 00
March 15. An Act making appropriation for the civil expenses of the Government of this State:	
Compensation of Governor.....	10,000 00
"    Controller.....	4,500 00
"    Treasurer.....	4,500 00
"    Secretary of State.....	3,500 00
"    Superintendent Public Instruction..	4,500 00
"    Surveyor-General.....	2,000 00
"    Quartermaster-General.....	3,000 00
"    Attorney-General.....	2,000 00
"    Governor's Private Secretary.....	2,500 00
"    Secretary of Supreme Court.....	1,350 00
"    Justices of Supreme Court.....	26,000 00
"    District Judges.....	50,000 00
"    Clerks of Controller.....	12,960 00
"    "    Treasurer.....	6,480 00
"    "    Secretary of State.....	9,720 00
Lieutenant Governor's and Senators' mileage and pay.	50,000 00
Assemblymen.....	110,000 00
Officers and Clerks of Senate.....	20,000 00
Officers and Clerks of Assembly.....	30,000 00
Contingents of Senate.....	7,000 00
"    Assembly.....	13,000 00
"    Supreme Court.....	6,000 00
"    Controller's Office.....	3,000 00
"    Treasurer's Office.....	3,000 00
"    Secretary of State's Office.....	3,000 00
"    Superintendent of Public Instruction..	2,000 00
"    State Library.....	1,000 00
"    Surveyor-General.....	2,500 00
"    Quartermaster-General.....	2,000 00
"    Attorney-General.....	2,500 00
"    Governor's Office.....	2,500 00
Special contingents of Executive Department.....	5,000 00
Support of Insane Asylum.....	60,000 00
Salary of Physicians of Insane Asylum.....	8,000 00
Distributing Laws and Journals.....	1,000 00
Translating Laws.....	3,000 00
State Reporter for 4th volume.....	3,000 00
Prosecuting Delinquents.....	4,000 00
Printing, Paper and Official Advertisements.....	90,000 00
Instruments, furniture and platting in Surveyor-General's Office.....	2,500 00
Stationery, fuel, lights, etc.,.....	15,000 00
Rent of State House.....	12,000 00
March 21. Act creating Board of State Prison Commissioners and defining their duties, etc.	

March 21.	To defray expenses of Board.....	\$500 00
	To Lessee of State Prison, (\$10,000 per mo., from April 1st, 1856, to February 1st, 1857.).....	100,000 00
March 25.	Act appropriating for support of Insane Asylum, to meet deficiencies.....	3,597 00
April 7.	An Act making appropriations to meet deficiencies, etc.,	
	Compensation of State Printer.....	62,000 00
	Purchase of paper for Printer.....	4,600 00
	Transportation of Prisoners.....	12,000 00
	Transportation of Insane.....	2,325 00
	To J. C. Doherty, for fitting up Capitol.....	2,305 33
	To B. B. Wattles, " ".....	1,921 87
	Stationery, to D. S. Lord.....	4,411 00
	Costs of suit, where State was party.....	2,400 00
	Rent of Room for Library.....	1,350 00
	Translating Executive and Legislative documents.....	2,659 00
	Indexing Journals of 1854.....	300 00
	To President <i>pro tem.</i> of Senate, for 1852, '53 and '54.....	1,532 27
	Contingents of Supreme Court.....	9,000 00
	" State Library.....	138 00
	" Governor's Office.....	650 00
	" Controller.....	2,835 00
	" Treasurer.....	2,151 00
	" Secretary of State.....	570 00
	" Superintendent of Public Instruction..	1,000 00
	" Attorney-General.....	800 00
	Township plats, copying same and contingents for Surveyor-General.....	5,000 00
	Contingents of Quartermaster-General.....	893 00
	To Paul Morrill as expert.....	650 00
	<i>Per diem</i> of Senators.....	2,275 00
	Rent of Capitol.....	3,000 00
	Britton & Ray, for lithographing State Bonds of 1855.....	1,000 00
	Expenses State Marine Hospital at San Francisco.....	9,684 83
	<i>Per diem</i> of Assemblymen.....	180 00
	Reporter of Supreme Court for 3d volume.....	3,000 00
	William Low, reward for arresting criminal.....	1,000 00
	Wells, Fargo & Co., for expressage in 1855.....	5,783 00
	James Langley, for services in Governor's Office.....	815 00
	Wm. P. Henry, for work on water pipes at Capitol....	193 00
	City water works.....	200 00
April 7.	Act concerning Official Advertisements, etc., for publishing amendments to the Constitution.....	25,000 00
	Publication of Notices of Sales by State Land Com'rs.	
	To State Journal.....	2,331 37
	" San Joaquin Republican.....	2,265 75
	" San Francisco Evening News.....	2,227 50
	" San Francisco Herald.....	2,308 57
	" Times and Transcript.....	3,108 25
	" California Express.....	2,052 00
	" San Francisco Citizen.....	2,120 00
	" El Eco del Pacifico.....	1,000 00
	" San Francisco Sun.....	2,120 00

Mr. Mandeville moved to take a recess to 7 o'clock.

The ayes and noes were demanded by Messrs. Coffroth, McCallum and Westmoreland, with the following result:

AYES.

Messrs. Ashley, Burton, Bynum, Day, Dosh, Ferguson, Flint, Gove, Hawthorne, Heintzelman, Mandeville, McGee, McNeill, Rust, Scellen, Shaw, Tilford, Waite, Westmoreland and Wilson—20.

NOES.

Messrs. Burnett, Coffroth, Cosby, Crandall, Fiske, French, McCallum, McCoun, and Norman—9.

So the Senate stood adjourned till 7 o'clock, P. M.



## EVENING SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor in the Chair.

Mr. Burton presented the following reports :

*Mr. President :*

Your Committee on Enrollment have this day presented to the Governor, Substitute for Senate Bill No. 122, An Act entitled an Act to create Inspectors of Pork, Beef and Salt Provisions in this State.

E. F. BURTON.

*Mr. President :*

The Nevada Delegation, to whom was referred Senate Bill No. 70, An Act to separate the office of Collector of Taxes from the office of Sheriff in the County of Nevada, report the same back, and recommend that it do not pass.

E. F. BURTON.

*Mr. President :*

The Committee on Enrollment have examined Substitute for Senate Bill No. 122, An Act entitled an Act to create Inspectors of Pork, Beef and Salt Provisions in this State, and find the same correctly enrolled.

E. F. BURTON.

Mr. Crandall presented the following report :

*Mr. President :*

The Select Committee, to whom was referred Senate Bill No. 76, An Act amendatory of, and supplementary to, the Act entitled "An Act amendatory of, and supplementary to, the Act entitled 'An Act concerning the Courts of Justice of this State and Judicial Officers,' " passed May 15, 1854, approved April 16, 1855, has had the same under consideration, and respectfully report the same back, and recommend its indefinite postponement.

D. CRANDALL.

The Bill was placed on file.

Mr. Coffroth reported back Assembly Bill No. 63, An Act to authorize the Sheriffs of the Counties of Tuolumne and Trinity to collect Licenses in said county.

Mr. Norman presented the following report :

*Mr. President :*

The Committee, to whom was referred An Act to amend an Act entitled "An Act to apportion the Senatorial and Assembly Districts of this State," passed May 18, 1853, have considered the same, and ask leave to report it back, with a recommendation that it be indefinitely postponed.

W. B. NORMAN.

Mr. Bynum presented the following report :

*Mr. President :*

Your Committee on Education have had under consideration Senate Bills—

No. 163, entitled An Act to encourage Science by granting to the California Academy of Natural Sciences a quantity of Swamp and Overflowed Lands; also,

No. 144, entitled An Act to purchase one thousand copies of George H. Goddard's Map of the State of California, and Utah and New Mexico Territories, for the use of the State and County Offices and Public Schools, and to regulate the distribution thereof, and report the same back for the consideration of the Senate.

S. BYNUM.

Mr. Flint presented the following report:

*Mr. President :*

Sundry bills are hereby returned, and the undersigned recommends that no action be taken on the same.

WILSON FLINT.

The following Message was received from His Excellency the Governor:

EXECUTIVE DEPARTMENT, }  
Sacramento City, April 21, 1856. }

*To the Senate of California :*

I have this day appointed and commissioned Wm. Bausman, Esq., to the place heretofore occupied by Wm. H. Rhodes, as my Private Secretary.

Very respectfully,

J. NEELY JOHNSON.

Mr. Coffroth offered the following Concurrent Resolution:

*Resolved*, The Assembly concurring, that the Secretary of State is hereby required to certify the account of the Sacramento Gas Company for \$662 60, for gas, service-pipe, fixtures, etc., as per account rendered; and that the Controller is hereby authorized to draw his warrant for the same, payable out of an appropriation for fuel, light, etc.

Adopted.

The following Message was received from his Excellency, the Governor:

EXECUTIVE DEPARTMENT, }  
Sacramento, April 21, 1856. }

*To the Senate of California :*

An Act to amend "An Act to incorporate the City of Monterey, approved May 11th, 1856," is herewith returned, without approval.

This Act, in the recital of powers given the corporate authorities of said city, amongst others authorizes them to make certain contracts, and incur indebtedness, without in anywise *limiting or restricting* them as to the *amount* to which they may contract debt.

In this regard, it is in violation of Section 37, Article IV., of the State Constitution.

J. NEELY JOHNSON.

On motion of Mr. Shaw, the Governor's message, just received, was laid on the table.

The following Message was received from his Excellency, the Governor :

EXECUTIVE DEPARTMENT, }  
Sacramento, April 21, 1856. }

*To the Senate of California :*

I return, without approval, an Act entitled An Act to provide for the Publication of the Laws of this State, as compiled and digested by Wm. H. R. Wood.

The principal objection which I can discover in this Bill is contained in the fourth section—the appropriation of \$20,000 for a work which, although one of unquestionable merit, and reflecting upon the author distinguished credit, as thus far evidenced in its preparation, yet to the people of the State, the absolute necessity of which, in my conception, has not been demonstrated. The present financial condition of the State imperatively demands that appropriations of money from the Public Treasury should be restricted to such purposes as are of a necessary character, and believing that we can dispense with this work, in fact an expenditure at the present time for either a codification or revision of our laws would be unwise and inexpedient, I have deemed this the proper mode for the disposition of this Act. Were the foregoing reason not conclusive, I would also add, that it is by no means certain that publication of this work in the Spanish language would not be required under the Constitution of the State. If such views were to prevail, then it would, under the law regulating public printing, become the duty of the State Printer to perform it, and involving an additional expenditure of not less than \$50,000. Therefore, we cannot, under existing circumstances wisely incur the hazard of a needless experiment which may prove so expensive.

J. NEELY JOHNSON.

Mr. McCoun offered the following resolution :

*Resolved*, By the Senate, that the Controller be authorized to draw his warrant on the Contingent Fund of the Senate, for one hundred and fifty dollars, to be divided equally between the three Pages of the Senate, as a reward for their good conduct during the session.

Adopted.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 21st, 1856. }

*Mr. President :*

I am directed to inform the Senate that the Assembly, on this day, concurred in the following Senate Resolution, and appointed Messrs. Beatty, McFarland and Cartter, as committee on the part of the Assembly.

Respectfully Submitted,

ALEX. M. HAYDEN,  
Assistant Clerk of Assembly.

The following message was received from His Excellency the Governor :

EXECUTIVE DEPARTMENT, }  
Sacramento, April 19th, 1856. }

*To the Honorable the Senate of the State of California :*

I have this day approved An Act to appropriate Six Thousand Dollars for Salaries of Officers and Attaches of the Senate ; also,\*

An Act concerning the Records of Yuba County ; also,

An Act amendatory of "An Act to provide Revenue for the Support of the Government of this State," passed April 27th, 1855 ; also,

An Act to create the County of Fresno, to Define its Boundaries, and to provide for its Organization ; also,

An Act providing for Funding the Debt of Contra Costa County not heretofore Funded ; also,

An Act agreeing to the Proposed Amendments to the Constitution, and providing for its Submission to the People ; also,

An Act to amend an Act entitled "An Act concerning Roads and Highways," passed April 28, 1855 ; also,

An Act to pay the Lieutenant-Governor for Services as Member of the Board of State Prison Commissioners ; also,

An Act relative to Escheated Estates ; also,

An Act concerning the Debt and Current Expenses of the County of Monterey, and to provide for the Funding and Payment of the same ; also,

An Act concerning the Transportation of Prisoners to the State Prison, and to provide Money for the same ; also,

An Act to amend an Act entitled "An Act concerning the Office of Treasurer of State," approved March 17, 1855 ; also,

An Act to amend an Act entitled "An Act dividing the State into Counties, and establishing the Seats of Justice therein," passed April 25, 1851, and amended March 31, 1854 ; also,

An Act concerning Hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba and Santa Clara ; also,

An Act to aid the Officers of the Indian Department, appointed by the General Government for the State of California, in the Discharge of their Duties ; also,

An Act to establish the Pay of the Officers and Employees of the Senate and the Assembly, and to repeal the Existing Laws relating thereto ; and,

An Act to create Inspectors of Pork, Beef and Salt Provisions in this State.

J. NEELY JOHNSON.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 21, 1856. }

*Mr. President :*

I am directed to inform the Senate, that the Assembly this day concurred in Senate Resolution relative to payment of John C. Cabaness, for coal furnished the Legislature.

Respectfully submitted,

ALEX. M. HAYDEN,  
Assistant Clerk of Assembly.



Mr. Coffroth offered the following Resolution :

*Resolved*, By the Senate, the Assembly concurring, That the Secretary of State be directed to pay out of the Contingent Fund of the office the sum of \$4,769 75, to John C. Cabaness, for fuel furnished for the State Offices, the Senate and Assembly, during the session of 1856.

Adopted.

Mr. Heintzelman, from the Committee appointed to wait on the Governor, informed the Senate that the Committee had discharged its duties, and were informed that his Excellency had no further communication to make the Senate.

Mr. Burnett offered the following Resolution :

*Resolved*, That the Secretary and Assistant Secretary of the Senate be allowed a Journal Clerk for the period of thirty days, at the same *per diem* as is now paid Copying Clerks ; and that the Controller of State is hereby authorized to draw his warrant upon the Treasurer for the payment of the same.

Mr. French offered the following amendment :

*Resolved*, That the Doorkeeper, Enrolling and Engrossing Clerks be allowed the sum of one dollar each per day for services rendered from the day of their appointment to the 21st of April, 1856.

Mr. Coffroth offered the following resolution :

*Resolved*, That the thanks of the Senate are hereby tendered to the Lieut. Governor for the courteous and impartial manner in which he has presided over the deliberations of the seventh session of the Senate of California.

Adopted.

Mr. Ashley offered the following resolution :

*Resolved*, That the thanks of the Senate are hereby tendered to Wm. Bausman Secretary, and Rasey Biven, Assistant Secretary of this body, for their competent discharge of the duties imposed upon them.

Adopted.

Mr. ——— offered the following resolution :

*Resolved*, That the thanks of the Senate are tendered to the Sergeant at Arms and Assistant Sergeant at Arms for the faithful and gentlemanly manner in which they have discharged their duties.

Adopted.

After some remarks from the Lieutenant Governor, he declared the Senate adjourned *sine die*.



I N D E X .

1731



# INDEX.

---

## A.

ABELL, ALEX, G.

Appointed by the Governor Commissioner of Immigrants, 467, 538.

ACCOUNTS.

Of Wm. Cornwall, 171, 183, 218.

Resolution to audit certain printing, 208.

Of Postmaster, 204, 213.

Of T. J. A. Chambers, 218.

ADMINISTRATORS.

Act to amend an Act concerning Fees of Public, 202.

Act concerning Fees of Public, 222, 238, 468.

" the Office of, in Nevada County, 506.

ADJOURNMENT.

11, 17, 93, 94, 116, 119, 121, 125, 131, 141, 146, 153 156, 161, 166, 169,  
173, 179, 187, 193, 197, 203, 211, 220, 225, 234, 243, 253, 279, 289, 295,  
301, 335, 342, 349, 354, 404, 409, 413, 421, 425, 433, 436, 437, 440, 452,  
471, 478, 487, 496, 505, 513, 532, 540, 546, 559, 564, 572, 582, 601, 653,  
661, 672, 714, 720, 727, 732, 739, 744, 751, 761, 771, 777, 784, 788, 805,  
817, 821, 842.

Resolution relative to, *sine die*, 116, 172, 192, 196, 736.

*Sine die*, 881.

AGRICULTURE.

Relative to, in Governor's Message, 33, 36.

Schedule of Expenditures and Receipts of State, Society, 498.

AGENT OF STATE LAND COMMISSIONERS.

Report of, See GOVERNOR'S MESSAGE, 77, 82.

ALAMEDA.

Act to locate the Seat of Justice of, 216, 220, 239.

Act to create a Board of Supervisors for, 287, 595.

Act authorizing Sheriff to collect Taxes, 411, 413, 567, 595.

Act to provide for the Salary of the Treasurer of, 709, 786.

Act for the Relief of late Treasurer of, 718, 722.

ALDRICH, DANIEL.

Act for the Relief of, 581, 843.

AMADOR.

Act relative to the Boundary Line between, and El Dorado, 119.

Act for the Removal of the County Seat of, 403, 657.

## ANDERSON, R. M.

Invitation from H. R. Payson, Sec. S. V. Railroad Co., 347.

## APPOINTMENTS.

List of, by late Governor, 83, 84.

Of Private Secretary of the Governor, 103.

Port Warden, 494.

## APPEALS.

From the Decision of the Chair, 109, 161, 164, 178, 215, 340, 353, 388, 409, 471, 553, 562, 700, 702, 780, 786.

Act concerning, in certain Cases, 197, 226, 234, 276, 604.

## APPROPRIATIONS.

Act to make, to defray Expenses incurred in Indian War, 110.

Act making, to improve Wagon Road from the Valley of Sacramento to Shasta, 110.

Act to make, for the Use of, 123, 125, 135.

Act making, for Temporary Support of State Prison, 196.

" for Contingent Expenses of the two Houses, 205, 213.

Act making, for Civil Expenses of this State, 274, 277, 332, 333, 341, 428, 435, 453, 560, 765, 810.

Act making, to meet Deficiencies, 473, 476, 478, 484, 587.

" for Translating, 740, 752.

" for the Orphan Asylum at San Rafael, 774, 779.

Act to make, to defray certain Expenses of Surveyor-General, 779.

Act making, for the Payment of Officers and Attaches of the Senate, 823, 857.

Act making, for the Completion of Insane Asylum, 833.

## AROMAS.

Act to create the County of, 552, 813, 821, 858.

## ARMS AND MUNITIONS OF WAR.

Resolution in relation to, 133, 140, 141, 150.

## ASYLUM.

Act appropriating Moneys for the Orphan, of the City of San Francisco and San Rafael, 779.

## ASSEMBLY.

Resolution to inform the, that the Senate was Organized, 16.

Joint Rules of the, and Senate, 137, 138, 139.

Act to regulate the per diem of Officers of the, and Senate, 150, 151, 155, 174, 182, 184, 186, 192, 202.

Messages from, 18, 85, 117, 118, 127, 143, 159, 166, 182, 185, 186, 196, 202, 216, 219, 233, 273, 274, 276, 286, 288, 294, 333, 334, 341, 347, 354, 386, 394, 411, 419, 430, 446, 447, 465, 473, 475, 481, 492, 508, 526, 536, 537, 554, 555, 567, 568, 572, 588, 589, 597, 600, 655, 656, 657, 696, 701, 709, 711, 712, 718, 719, 723, 729, 735, 737, 740, 741, 754, 766, 773, 776, 791, 792, 793, 810, 811, 812, 823, 830, 831, 832, 833, 834, 835, 851, 852, 853, 854, 855, 857, 862, 863, 867, 868, 869, 880.

## ASHLEY, D. R.

Elected President *pro tem.* of the Senate, 13.

Appointed Chairman of Committee on Claims, 112.

Appointment of, Chairman of Committee on Public Lands, 113.

Resolution of, in relation to Committee on Clerks, 120.

Act to compile the Laws of this State, 140.

Resolution of, in relation to Committee on Rooms, 140.

Proposed Amendments to the Constitution of this State, 144.

Resolution of, in relation to State Prison Affairs, 151, 175.

## ASHLEY, D. R.

Resolution of, in relation to the Receipts and Expenditures of this State, 175.

Act for the Publication of the Laws, 179.

Resolution of, to print the Governor's Message in Spanish, 179.

" in relation to the Treasury of this State, 185.

Moved to amend the Twenty-Second Standing Rule of the Senate, 195.

Act fixing the time of holding Courts in Third Judicial District, 286.

Act to amend an Act fixing the Times of holding County Courts in Shasta, Santa Clara and Monterey Counties, 289.

Act to amend an Act to regulate Proceedings in Civil Cases, 422.

" " " " Criminal Cases, 423.

Leave of Absence, 437.

## ATTORNEY-GENERAL.

Resolution for Committee to examine the Accounts of, 155.

Communication from, 189, 190, 191.

## AUCTIONEERS.

Act to define the Duties of, 353, 414, 588.

## AYES AND NOES.

9, 10, 11, 12, 18, 84, 85, 87, 104, 105, 106, 109, 114, 115, 116, 118, 119, 120, 121, 122, 123, 129, 130, 131, 135, 142, 143, 150, 156, 160, 161, 162, 163, 164, 165, 167, 168, 172, 173, 176, 179, 185, 192, 193, 208, 209, 215, 216, 217, 218, 219, 232, 252, 253, 275, 277, 278, 279, 282, 283, 285, 286, 288, 293, 301, 332, 333, 335, 339, 340, 345, 348, 349, 350, 351, 352, 353, 354, 355, 356, 386, 387, 388, 401, 402, 407, 408, 409, 410, 411, 412, 416, 420, 421, 424, 430, 431, 432, 433, 437, 444, 445, 452, 455, 456, 466, 467, 468, 469, 470, 471, 472, 474, 475, 476, 477, 478, 482, 483, 484, 485, 490, 491, 494, 495, 496, 499, 501, 502, 503, 504, 505, 509, 510, 512, 523, 524, 525, 527, 528, 529, 534, 535, 537, 538, 539, 542, 543, 544, 545, 546, 553, 554, 557, 558, 563, 564, 566, 567, 569, 570, 576, 577, 578, 579, 580, 580, 581, 586, 589, 591, 592, 599, 600, 601, 603, 605, 607, 653, 659, 660, 661, 668, 669, 670, 671, 672, 698, 699, 700, 702, 703, 704, 705, 706, 708, 709, 710, 712, 716, 717, 719, 725, 726, 727, 731, 732, 736, 737, 738, 742, 744, 749, 750, 752, 753, 756, 757, 758, 759, 760, 761, 769, 770, 771, 772, 776, 779, 780, 781, 784, 785, 787, 791, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 813, 814, 815, 816, 817, 820, 821, 825, 826, 827, 829, 830, 831, 832, 835, 836, 837, 838, 839, 840, 841, 847, 856, 857, 858, 859, 860, 861, 864, 865, 866, 869, 871, 872, 876.

## B.

## BALL, N. A. H.

Resolution for the Payment of, 838.

## BANKERS.

Act to regulate the Business of, 789.

## BARRY, RICH'D C.

Act for the Relief of, 754.

## BAKER, THOMAS.

Act for the Relief of, 406, 423.

## BARBOUR, W. T.

Leave of Absence, 449.

BAUSEMAN, WM.

Elected Secretary of the Senate, 13.

BENTON, MR.

Nominated for Chaplain of the Senate, 15.

BEALS, JOS. R.

Act to amend an Act authorizing to Construct a Bridge, 718, 722.

BIVEN, RACEY.

Elected Assistant Secretary of the Senate, 13.

Leave of Absence granted, 279.

BOUNDARY.

Act relative to the, between El Dorado and Amador Counties, 119.

Act to Establish the, between Sierra and Nevada Counties, 126.

Act to Fix the, between certain counties, 194.

Act to Settle the, between Marin and Sonoma Counties, 221, 225.

BOKER, S. A., (Deceased.)

Act in reference to Estate of, 353, 426, 526, 537, 559, 571.

BRADY, ANDREW.

Nominated for Assistant Secretary of the Senate, 17.

BROOKS, S. H.

Resolution Granting Leave of Absence to, 117, 123.

BRUNTON, THOS. H.

Act for the Relief of, 656, 808, 835, 856.

BUCHANAN, MINNA C.

Act in reference to, 452, 454, 492, 497, 500.

BUENA VISTA.

Act to amend an Act Organizing the County of, 740.

BURTON, E. F.

Motion of, 16.

Resolution of, in relation to Letter Envelopes and Newspaper Stamps, 18.

Motion of, 18.

Report of, 94, 102.

Appointed Chairman of Committee State Library, 113.

Moved to Amend the 27th Rule of the Senate, 115, 124.

Act Concerning Estates of Insane Persons, 152.

Resolution of, for Committee to Wait on State Treasurer, 154.

Resolution of, requesting information of the Governor in relation to War Debts, 157.

Leave of Absence, 180.

Resolution of, relative to the Transmission of Mail Matter, 214.

Resolution in Relation to Muster Rolls of Volunteers, 216.

Act for the Custody and Disposition of the Estates of Idiots and other Persons, 283.

Presented certain Papers of Causler and Shreeber, 303.

Presented Petition from Citizens of Nevada County in relation to County Line, 341.

Resolution of, in relation to New Business, 425.

BURNETT, W. C.

Appointed Chairman of Committee on Public Printing, 113.

Act to change the name of Mix Smith, 189.

Act for the Funding of the Debt of Marysville, 194, 205, 214, 219, 234, 237.

Presented a Petition from Marysville, 212.

Presented a Remonstrance against changing the name of Mix Smith, 213.

Act to amend an Act to Incorporate the City of Marysville, 390.



## BURNETT, W. C.

- Act to Increase the number of Fire Companies in the City of Marysville, 419.
- Petition from Settlers, 422.
- Act in reference to Minna Buchanan, 452.

## BUTTE COUNTY.

- Petition from, to add a certain portion of to Yuba, 234.
- Act to change and fix the County Seat of, 274, 275, 350, 420.
- Petition from Citizens of, in relation to County Seat, 281.
- Remonstrance from Citizens of, in relation to County Seat, 281.
- Remonstrance from Officers of, relative to County Seat, 290.
- Act fixing the Lines between, and Yuba and Plumas, 419, 422.
- Act to authorize the Board of Supervisors of, to purchase a certain Bridge, 575.

## BYNUM, SRSHEL.

- Appointed Chairman of Committee on Mileage, 113.
- Act in relation to District Courts, 121, 172, 173.
- Leave of Absence, 122, 180.
- Resolution of, in relation to School Lands, 276.
- Act to provide for the Election or Appointment of a Reporter to the Supreme Court, 337.
- Act for the Relief of Thos. F. W. Price, 405.

## C.

## CALAVERAS.

- Act in relation to the Indebtedness of, 222.
- Act to authorize the Board of Supervisors of, to pay Indebtedness, 386.

## CALL OF THE SENATE.

- 121, 192, 207, 217, 413, 456, 493, 494, 495, 542, 545, 568, 576, 603, 661, 703, 709, 713, 721, 732, 783, 796, 836, 856.

## CANSLOR &amp; SHREEBER.

- Communication from, in relation to lost Coupons, 303.

## CENSUS.

- Act for the taking of the, of this State, 152.
- Act for taking the Second, of this State, 198, 481.

## CECIL, H.

- Act to change the name of, 198, 237, 238.

## CHAMBERS, Y. J. A.

- Account of, 218.

## CHAPLAIN.

- Election of, 108.

## CIVIL EXPENSES.

- Act making appropriations for the, of this State, 274, 277, 332, 333, 341, 350, 417, 419, 467, 486, 549, 560, 574, 583, 737, 743, 765, 785, 810.

## CIVIL CASES.

- Act to regulate Proceedings in, 134, 200, 180, 792.
- Act supplementary to An Act to regulate proceedings in, passed 1854, 180, 238, 251, 277, 287.
- Act to amend An Act to regulate proceedings in, 345, 419, 422, 539, 606, 770.

## CIVIL ACTIONS.

- Act to amend An Act defining the Time of commencing, 418.

## CLARK, C. S.

- Act to change the name of, 221, 237, 238.

## CLARK, W. H.

Act to change the name of, 233, 236.

## CLERKS.

Election of the, of the Senate, 14.

Resolution relative to Committee, 120.

Resolution relative to, 154.

Communication from Secretary of the Senate in relation to, 158.

Resolution in reference to Engrossing, 569.

## COATS, WM.

Appointed Official Reporter for the Senate, 127, 742.

## COFFROTH, JAMES W.

Motion of, 9, 10.

Resolution of, to elect Officers of the Senate, 11.

Concurrent Resolution of, to canvass the Votes for Governor and Lieutenant-Governor, 16.

Concurrent Resolution of, relative to the Inauguration of the Governor and Lieutenant-Governor, 16.

Motion of, 18.

Appointed Chairman of Committee on Corporations, 113.

Act to repeal An Act creating Quartermaster-General, 120.

Act for Special Tax in Tuolumne County, 120, 172, 174.

Leave of Absence, 122.

Presented a petition from L. Quint, 169, 170.

Act for the relief of L. Quint, 171, 198, 204, 214.

Act to change the name of C. Cecil, 198.

Act concerning Telegraph Companies, 213, 221.

Act to provide Revenue for the support of Government of this State, 222.

Presented petition from Citizens of Tuolumne County, 289.

Presented petition from Members of the Bar of Fifth Judicial District, 296.

Presented petition from Citizens of Tuolumne County in relation to Road Tax, 297.

Presented petition from Citizens of Tuolumne County for the relief of Thomas H. Brunton, 344.

Act to amend An Act concerning the Courts of Justice of this State, 345.

## COFFEE, G. W.

Petition from, 194.

Act authorizing State Treasurer to issue Land Warrants to, 197, 447, 476.

## COLUSI.

Act relative to District Courts in, 111.

Act to alter and define the Boundaries of, 709, 722.

## CONTRA COSTA.

Act to fund the Debt of, 508, 512, 719, 880.

Act authorizing Robert Haley, and others, to erect a Wharf in, 687.

## COLUMBIA.

Act to incorporate the Town of, 854, 863.

## COLE, RICHARD.

Act for the Relief of, 854.

## COMMITTEES, STANDING.

Appointed, 111, 112, 113.

*Agriculture, Missions and Mission Lands—*

Appointed, 113.

Reports of, 596, 778.

## COMMITTEES, STANDING.

*Commerce and Navigation—*

Appointed, 112.

Reports of, 385, 541, 549, 593, 807.

*Corporations—*

Appointed, 112.

Reports of, 205, 284, 345, 489, 583, 666, 778.

*Counties and County Boundaries—*

Appointed, 112.

Reports of, 284, 291, 298, 338, 350, 383, 411, 480, 560, 583, 706.

*Claims—*

Appointed, 111.

Reports of, 183, 197, 204, 205, 234, 297, 406, 483, 508, 512, 602, 654, 705,  
763, 773, 807, 808, 843.*Contingent Expenses—*

Appointed, 113.

Reports of, 215, 442, 443, 451, 457, 497, 541, 565, 566, 593, 596.

*Education—*

Appointed, 112.

Reports of, 181, 595, 706, 809.

*Elections—*

Appointed, 112.

Reports of, 820.

*Engrossed Bills—*

Appointed, 113.

Reports of, 141, 151, 152, 154, 174, 182, 214, 285, 294, 295, 300, 302, 341,  
348, 349, 383, 396, 403, 421, 422, 426, 433, 473, 480, 484, 500, 501, 506,  
533, 549, 559, 560, 566, 571, 582, 590, 594, 596, 606, 673, 706, 717, 720,  
755, 819, 821, 823, 845.*Escheated Estates—*

Appointed, 113.

Reports of.

*Enrolled Bills—*

Appointed, 113.

Reports of, 153, 181, 187, 195, 199, 234, 237, 283, 291, 292, 297, 347, 386,  
390, 404, 405, 407, 410, 451, 453, 464, 473, 476, 480, 486, 497, 500, 532,  
540, 542, 548, 559, 560, 574, 582, 593, 654, 661, 662, 673, 705, 709, 721,  
722, 733, 751, 755, 765, 775, 780, 785, 806, 817, 822, 823, 841, 842, 852,  
859, 866, 867, 870.*Finance—*

Appointed, 111.

Reports of, 277, 291, 292, 298, 347, 392, 548, 549, 574, 845.

*Federal Relations—*

Appointed, 112.

Reports of, 541.

*Indian Affairs—*

Appointed, 112.

*Internal Improvements—*

Appointed, 113.

Reports of, 560, 807.

## COMMITTEES, STANDING.

*Judiciary—*

Appointed, 111.

Reports of, 136, 146, 148, 150, 175, 199, 222, 223, 237, 238, 239, 248, 249, 250, 251, 284, 285, 286, 298, 299, 300, 338, 345, 346, 384, 414, 415, 417, 440, 444, 454, 507, 508, 550, 551, 571, 574, 583, 596, 606, 762, 763, 787, 789, 795, 796, 808, 809, 820, 825, 849, 855.

*Mileage—*

Appointed, 112.

Reports of, 128, 134.

*Mines and Mining Interests—*

Appointed, 112.

Reports of, 398 to 401, 405, 457, 498, 661.

*Military Affairs—*

Appointed, 113.

Reports of, 141, 443, 461, 483, 490.

*Public Lands—*

Appointed, 112.

Reports of, 331 594, 706 844

*Public Printing—*

Appointed, 113.

Reports of, 174.

*Public Morals and Police—*

Appointed, 113.

Reports of, 507, 773, 825.

*Public Expenditures—*

Appointed, 113.

*Roads and Highways—*

Appointed, 113.

Reports of, 346, 405, 583, 602, 844.

*State Hospital—*

Appointed, 112.

Reports of, 507, 560, 592, 779.

*State Prison and Public Buildings—*

Appointed, 112.

Reports of, 125, 422, 435, 490, 574.

*State Library—*

Appointed, 112.

## COMMISSIONERS.

Report of California Land, to the Governor, 72, 75.

Report of New Board of, 76, 77, 82.

Act to create a Board of, to Examine and Settle the Accounts of State Prison Directors, 753.

Act to create a Board of, to examine Indian War Claims in certain Counties, 774.

Act to establish a Board of, to collect the Indian War Debt at Washington City, 798.

## CONSTITUTION.

Act to call a Convention to revise the, of this State, 16, 122, 123, 148, 202, 223, 240.

Amendments to, See GOVERNOR'S MESSAGE, 29.

Proposed Amendment to the, of this State, 144.

Resolution requesting Information of the Supreme Judges in regard to the, 147, 223, 225.



## CONSTITUTION.

Resolution in relation to certain Amendments to the, 166, 171, 220, 825.  
Proposed Amendments to, 740, 866, 880.

## CONVEYANCES AND CONTRACTS.

Act concerning Fraudulent, 204.  
Act to prevent Fraudulent, 565, 606.  
Act to amend an Act in reference to Fraudulent, 712, 755, 769, 854.

## CONVICTS.

Act to work, in Placer County, 108, 139.  
" in the different Counties in this State, 774.  
Act supplemental to an Act concerning escaped, 833.  
Act appropriating Money to defray Expenses of, at State Prison, 851, 852.

## CONTINGENT EXPENSES.

Communication from former Secretary of State in relation to, 157, 158.  
Act making Appropriations for, of the two Houses, 205, 213.

## CONVENTION.

Act to call a, to revise the Constitution of this State, 16, 202, 223, 240.

## CORPORATIONS.

Act relative to Wagon Road, 135, 177, 205, 214.  
Act to amend an Act concerning, 222, 284, 294, 390, 489, 511, 515, 521, 570.  
Act for the Formation of, for Plank and Turnpike Roads, 418, 823.  
Act to authorize Formation of Water Companies, 439, 789.  
" the Formation of, 513, 776, 786.  
Act supplementary to Act concerning, 854.

## CORNWALL, WM. A.

Communication from, 170.  
Account of, 171, 183, 196, 205, 206, 207, 218.  
Resolution relative to the Payment of, 197.  
Allowed to withdraw Papers, 561.

## COSBY, J. D.

Act to make Appropriation for Expenses incurred in Indian War, 110.  
Act to improve Wagon Road from Sacramento to Shasta Valley, 110.  
Appointed Chairman of Committee on Military Affairs, 113.  
Resolution of, in relation to Arms and Munitions of War, 133, 140, 141, 150.  
Resolution of, for Controller to furnish an Account of Warrants issued in the Year 1855, 181.  
Act to amend an Act in relation to Homestead and other property, 188.  
Act concerning County Officers of Trinity, 225, 237.  
Presented petition from George Herd, and others, in reference to Road from Shasta City to Scott Valley, 254.  
Leave of absence granted, 342.  
Act to create three States out of the State of California, 390.  
Act to amend An Act dividing the State into Senatorial Districts, 391.  
Act for the employment of Convicts in County Jail, 405.

## COUNTIES.

Act to amend An Act dividing this State into, 152, 284, 560, 737, 831, 836, 842, 843, 849, 854.  
Act to amend An Act concerning the Office of Treasurers of, 345, 419.  
Act in relation to Judges of, 551.  
Act dividing the State into, and establishing Seats of Justice therein, 854, 863, 880.

## COURTS OF THIS STATE.

Act concerning proceedings being conducted in Spanish in the, 573.

## COURTS, DISTRICT.

Act for Special Term of, in Sierra County, 108, 114, 136, 150, 153, 181, 188.

Act relative to, in Colusi County, 111.

Act relative to, in the Seventh Judicial District, 121, 172, 173, 403.

Act to amend An Act to fix the Time of holding, 127, 134, 151, 177, 182, 273, 841.

Act to define the Term of Office of Judge of Fifteenth Judicial, and fix his Salary, 274, 275, 286.

Act to fix the Times of holding, in Third District, 286, 292, 448, 464, 476, 666.

Act to fix the Time of holding the Tenth, 423, 426, 447.

Act to establish the Salaries of Judges in Thirteenth, Fourteenth and Fifteenth, 448, 550.

Act to fix the Time of holding the Thirteenth Judicial, 792.

## COURTS OF JUSTICE OF THIS STATE.

Act concerning, 155, 156, 158.

Act to amend An Act concerning, and Judicial Officers, 157, 199, 842, 843, 854.

Act concerning, and Judicial Officers, 219.

Act to amend An Act concerning the, 345, 407, 418, 832.

## COURT. SUPREME, OF THIS STATE.

Act for the distribution of the Decisions of the, 192.

Act in relation to Reporting the Decisions of, 417, 454, 470, 481, 482, 501, 701, 750, 785, 853.

## CONVENTION, JOINT.

Resolution to go into, to canvass the vote of Governor and Lieutenant-Governor, 85.

Senate and Assembly in, 86—93.

Resolution for, to elect U. S. Senator, 108, 114, 118, 129, 134, 160, 162.

For, to elect U. S. Senator, 166, 177, 794.

## CRANDALL, DWIGHT.

Leave of absence, 180, 203.

Act relative to the Indebtedness of Calaveras County, 222.

Presented petition from Charles Waite, and others, in reference to Trading on Sundays, 254, 343.

## CRIMES AND PUNISHMENTS.

Act to amend An Act concerning, 179, 210, 331, 338.

Act to punish Vagrants, Vagabonds, and other persons, 287, 331.

Act concerning, 348, 349, 742, 824, 832, 852, 862.

## CRIMINAL CASES.

Act to regulate Proceedings in, 108, 353, 423, 448, 466, 464, 474, 735, 770.

## CROZIER, ROBERT G.

Act for the relief of, 581, 770, 776.

## CROUCH, MR.

Nominated for Chaplain of the Senate, 15.

## D

## DAY, SHERMAN.

- Appointed Chairman of Committee on Public Morals, 113.
- Resolution of, relative to Printing of the Journals of the Senate, 127, 174.
- Resolution of, for Bills of the Senate to be furnished the Assembly, 181.
- Act for the Construction of Immigrant Wagon Road, 210.
- Resolution of, relative to Gas Lights in the Senate Chamber, 220.
- Presented a petition in relation to the Indebtedness of San José City, 236.
- Act to Fund the Debt of San José City, 237.
- Act to amend an Act to provide for the Incorporation of Railroad Companies, 276.

## DANNALS, C.

- Nominated for Enrolling Clerk of the Senate, 14.

## DE LA GUERRA, PABLO.

- Resolution of, in relation to Printing the Laws in Spanish, 152.
- Act referred to in reference to the Town of San Luis Obispo, 276.
- Resolution of, in relation to Superintendent of Public Instruction, 333.

## DEBT.

- Act to Fund the, of Placer County, 121.
- Act to Fund the, of the City of Marysville, 194, 205, 214, 219, 234, 237.
- Act to Fund the, of San Diego County, 233.
- Act to Fund the, of San José, 237.
- Act concerning the War, of this State, 586, 755, 775.

## DEFICIENCIES.

- Resolution in relation to, of last year, 148.
- Report of Controller of State in relation to, 201.
- Act making Appropriations to meet, 473, 476, 484, 600, 670, 701, 708, 712, 722.

## DEIHL, MR.

- Nominated for Chaplain of the Senate, 15.

## DISTRICT, SENATORIAL.

- Act to create an additional, 189.
- Act to amend an Act to Apportion this State, 862.

## DISTRICTS, CONGRESSIONAL.

- Act to Divide this State into, 113, 172, 424, 426.

## DISTRICT ATTORNEYS.

- Act relative to, of Los Angeles County, 196.

## DISTRICT, JUDICIAL.

- Act for Special Term of Court in the 14th, 108.
- Act relative to Courts in the 7th, 121, 172, 173.

## DICKINSON, C.

- Resolution authorizing the payment of, for services as Secretary, 93.

## DIVORCES.

- Act concerning, 408, 418.

## DOHERTY, MR.

- Account of, 472, 593, 728.

## DORSEY, CALEB.

- Resolution granting Leave of Absence to, 119.

## DOSH, SAM'L H.

- Act to Increase the Terms of District Courts in Colusi County, 111.
- Act to amend an Act to fix the time for holding terms of District Courts, 127, 134, 177, 182.

## DOSH, SAM'L E

- Act to amend an Act for the Incorporation of Wagon Road Companies 164  
177 186 194  
Letter of Attorney 164  
Act to create an additional Sectional District 184  
Act for the payment of balances of District Judges 194 196  
President petition from L. M. Turner and others praying passage of  
Special Act for Maintenance of Indigent Sick in Shasta County 204

## DOOR-KEEPER

- Electors of 18

## DOUGLASS, D. F.

- Appointment of Secretary of State 194  
Appointment confirmed 194

## E.

## EL DURADO

- Act relative to the Boundary Line between and Arizone 164  
Act in reference to the County Seat of 186 194

## ELECTIONS

- Of officers of the Senate 14 14, 16  
Communication from Secretary of State in relation to returns 86  
Of Chairman of the Senate 194  
Act to amend An Act to regulate 186 186  
Act to regulate the road in Santa County 194  
Act to amend An Act concerning 194 194  
Act to prevent Frauds in H. Clubs and Towns 194 194 194

## ESTATES

- Act relative to of Deceased Persons 167 167 167 167 167 167  
167 167 171 171 171 171 171 171 171 171 171 171  
Act concerning of Deceased Persons 164  
Act relative to Deceased 171 171 171  
Act to amend An Act to regulate of Deceased Persons 164

## FISSELL, J. M.

- Letter from Governor to 54 55 56  
Letter from the Governor to 56  
Agreement with Lessee of State Prison 56 57

## ESTRAYS

- Act concerning 597 596 701 745 745 750 599 512 411

## EUREKA

- Act to Incorporate the Town of 187 187 187 187 187 187

## EVIDENCE

- Act concerning 186 186 186

## EXPRESS COMPANIES

- Resolution for Sergeant-at-Arms to make arrangements with 186  
Resolution for Sergeant-at-Arms to make arrangements with, to transmit  
Mail Matter 194



## F.

## FEES OF OFFICE.

- Act concerning the, of Public Administrator, 202, 222, 238, 423, 469.
- Act to regulate the Fees of, 334, 418, 421, 435, 657.
- Act to amend an Act regulating, 447, 512, 550, 596, 673, 715, 718, 787, 792, 811, 818, 825, 831.
- Act to amend an Act to regulate the, 832, 833, 854.

## FERGUSON, W. I.

- Resolution of, for Joint Convention to Elect U. S. Senator, 108, 114, 129, 134, 160, 162.
- Appointed Chairman of Committee on Judiciary, 112.
- Reports of.
- Leave of Absence, 122, 203.
- Communication from, in relation to Military Affairs, 195.
- Act amendatory of an Act concerning Fees of Public Administrator, 202.
- Presented Account of Rivett & Co., 337.
- Act in relation to Fines and Forfeitures in Recorder's Court of the City of Sacramento, 356.
- Act for the Relief of Mayor and Council, Sacramento, 356.
- Act to provide for the payment of County Judge of Sacramento, 391.
- Act to regulate the Estates of Deceased Persons, 391.
- Act to confirm Letters of Administration in certain cases, 391.
- Leave of Absence, 568, 695, 749.

## FERGUSON, MR.

- Nominated for Engrossing Clerk of the Senate, 14.
- Account of, 466, 541.

## FISKE, H. M.

- Act to reduce the Tax of Chinese Miners, 111, 140.
- Appointment of, Chairman of Committee on State Hospitals, 113.
- Appointed Chairman of Committee on Education, 113.
- Appointed Chairman of Committee on Internal Improvements, 113.
- Act relative to the Boundary Line between El Dorado and Amador, 119.
- Act for the Better Observance of the Sabbath, 202, 237.
- Petition for a law to enforce the Better Observance of the Sabbath, 224.
- Leave of Absence, 695.

## FLINT, WILSON.

- Appointed Chairman of Committee on Commerce and Navigation, 113.
- Appointed Chairman of Committee on Contingent Expenses, 113.
- Resolution of, relative to Adjournment, *sine die*, 116, 172, 192, 196.
- Act to Repeal An Act creating Supervisors in San Francisco County, 119, 134.
- Act appropriating Money for the use of State Prison, 123, 125, 135.
- Resolution of, to Remove the Office of Secretary of State, 126.
- Motion for Committee to Examine the Accounts of Attorney General, 155.

## FOREIGNERS.

- Act to Reduce the Taxes of, Miners, 111, 140.
- Act to Repeal an Act for the Protection of, 179, 180, 424, 481, 539, 563, 566, 571, 830, 842, 843, 854.

## FORSYTH, BENJ. F., AND OTHERS.

- Act to authorize, to Construct a Wharf, 556, 567, 833, 842, 843.

## FORCIBLE ENTRIES AND UNLAWFUL DETAINERS.

- Act concerning, 789.

## FRENCH A.

- Motion of, 16.
- Resolution of, for Committee to make arrangements with Postmaster, 122.
- Resolution of, relative to the per diem and Mileage of Senators, 124.
- Resolution of, relative to Newspapers, 124.
- Resolution of, requesting information of the Supreme Judges in regard to the Constitution, 147.
- Resolution of, in relation to Clerks, 154.
- Motion of, to amend the 30th Rule of the Senate, 173.
- Presented a Memorial from State Prison Directors, 177.
- Protest of, in relation to action of the Senate on Act making Appropriations for Civil Government, 389.

## FRESNO.

- Act creating County of, 561, 566, 792, 818, 822, 880.

## FRISBEE, SAM'L J.

- Act for the Relief of, 439, 770.

## FUND.

- Act to, the Debt of Placer County, 121.
- Act to, the Debt of San Diego County, 233.
- Act to, the Debt of San José City, 237.
- Act to, the Debt of the City of Marysville, 194, 205, 214, 219, 234, 237.
- Act to, the Outstanding Debt of this State, 438, 594, 661, 673, 715, 817, 823, 831, 841, 843, 850.

## G.

## GAS.

- Resolution in relation to, burners in the Senate Chamber, 220.

## GHERKEY, DAVID.

- Act to authorize, and others, to build a Wharf at Santa Cruz, 539, 596.

## GIBBONS, H. &amp; W. P.

- Act for the relief of, 654, 749.

## GODDARD, GEORGE H.

- Act to purchase maps of, 547.

## GOVERNOR.

- Resolution in reference to the Inauguration of, and Lieutenant, 16, 85.
- Memorial from State Prison Guards to, 52, 53.
- Letter of, to James M. Estell, relative to State Prison, 54, 55, 56.
- Letter from J. M. Estell to, 55.
- Prisoners pardoned by, 66.
- Communication from Secretary of War to, 71.
- Report of California Land Commissioners to, 72—75.
- Communication from Surveyor-General to, 83.
- Inaugural Address of the, 89—93.
- Appointment of Committee to wait on the Lieutenant, 93.
- Inaugural Address of the Lieutenant, 93, 94.
- Resolution expressing the appreciation of the Senators toward the conduct of late Lieutenant, 94.
- Appointment of Wm. H. Rhodes as Private Secretary of the, 103.
- Communication from, in relation to Indian Disturbances, 132.
- Communication from the, 139.

## GOVERNOR.

- Resolution requesting information of the, in relation to Wagon Roads, 159.
- Resolution relative to printing the, Message, 179.
- Communication from the, in relation to War Debt, 226—232.
- Message from, approving Act funding Debt of City of Marysville, 251.
- Message from, appointing Gustavus A. Swasey, Port Warden of San Francisco, *vice* Thomas W. Brennan, 252.
- Communication from, approving certain bill, 294.
- Communication from, appointing A. G. Abell, Commissioner of Immigrants, 415.
- Message from the, with communication from Gen. John E. Wool, 446.
- Message from the, appointing R. Haley, Port Warden, 494.
- Communication from, in relation to An Act referring to the Fire Department of Sacramento City, 713.
- Communication from, in reference to Insane Asylum, 715.
- Communication from, with objections to An Act for the relief of Thomas F. W. Price, 789.
- Communication from, appointing Wm. Bausman, Private Secretary, 878.
- Communication from, 881.

## GOVERNOR, LIEUTENANT.

- Act fixing pay of, as member of Board of State Prison Commissioners, 866.
- 880.
- Thanks of Senate, 881.

## GOVE, A. S.

- Act to amend An Act to provide Revenue for this State, 149, 172.
- Petition from Wm. A. Cornwall, 170.
- Leave of absence, 542.

## GRAVE-YARDS.

- Act for the protection of, 565, 807.

## GULICK, JOHN C.

- Act for the relief of the Heirs of, 851.

## H.

## HAGER, JOHN S.

- Leave of absence granted, 475, 482.

## HALEY, ROBERT.

- Appointed Port Warden at San Francisco, 494.
- Act granting, the privilege to build a Wharf, 587, 733, 813.

## HARDEZ, FRANCIS.

- Act for the relief of, 749.

## HARBOR-MASTER.

- Act to abolish the Office of, 417, 499, 534.

## HARCOMBE, ALFRED W.

- Act to admit, to practice law, 587.

## HASTINGS, E. O. F.

- Resolution authorizing the payment of, for services as Secretary, 93.

## HAWKS, W. W.

- Motion of, 10.
- Resolution complimentary to the late Lieut-Governor (Samuel Purdy,) 94.
- Appointment of, Chairman of Committee on Elections, 113.
- Act to Consolidate the Government of the City and County of San Francisco, 116.

## HAWKS, W. W.

- Moved to amend the 27th Standing Rule of the Senate, 126.
- Act for the better protection of the Elective Franchise, 192.
- Resolution of, empowering Committee on Public Lands to send for Persons and Papers, 217.
- Leave of absence, 238, 721.
- Act to define the duties of Auctioneers, 353.
- Act to abolish the office of Harbor-Master, 417.

## HAWTHORNE, J. C.

- Act to work Convicts in Placer County, 108, 139.
- Appointed Chairman of Committee on Public Expenditures, 113.
- Act to fund the Debt of Placer County, 121.
- Act to regulate Proceedings in Courts of Justice of this State, 134.
- Act to amend An Act to regulate Elections, 185, 189.
- Act to repeal An Act to enforce the payment of Licenses in this State, 409.
- Presented petition from citizens of Ophir, in relation to Sabbath, 410.
- Act to authorize the Board of Supervisors of Placer County to levy Special Tax, 423.
- Leave of absence, 437.

## HEINTZELMAN, H. P.

- Resolution of, that Standing Rules of last session be adopted, 9.
- Motion of, 16.
- Resolution of, to inform the Assembly that the Senate was organized, 17.
- Resolution of, relative to payment of Secretary of Senate, 93.
- Appointed Chairman of Committee on Agriculture, 114.
- Act for the location of a Wagon Road, 175.
- Act to regulate Proceedings in Civil Cases, 180, 238.
- Act amendatory of An Act to regulate Proceedings in Civil Cases, passed 1854, 180.
- Act concerning Fraudulent Conveyances and Contracts, 204.
- Act to make appropriations for Contingent Expenses of the two Houses, 205, 213.
- Act to settle the Boundary Line between Marin and Sonoma Counties, 221, 225.
- Act for the suppression of Houses of Ill-Fame, 337.
- Act in relation to the estate of S. A. Booke, deceased, 353.

## HILL, JOHN H.

- Act in reference to, 454, 559, 572.

## HOGS.

- Act to prevent, from running at large in certain Counties, 774, 848, 880.

## HOOK, G. W.

- Appointed Chairman of Committee on Roads and Highways, 113.
- Resolution of, relative to Postal Arrangements, 117.
- Resolution of, in relation to Immigrant Wagon Road, 147.
- Resolution of, in relation to Muster-Rolls of Volunteer Companies, 155, 196.

## HOMESTEAD.

- Act to amend An Act relative to, 188.
- Act to amend the, Law, 220.
- Act supplemental to An Act to exempt, 500, 762.

## HOSPITALS.

- Resolution in reference to Expenditures of the State Marine, 239.
- Act to appropriate Money to Insane, at Stockton, 560.

## HOUGH, A. W.

- Act to change the name of, 185, 200, 238.



## HOWARD, J. L.

Account of, 406.  
Resolution in relation to, 411.

## HUMBOLDT.

Act to settle the Boundary between, and Klamath, 294, 396.  
Act to provide for the Disposal of Lots in the Town of, 334, 557.  
Act to establish the County Seat of, 403, 411.  
Act to fix the Time of holding the several Courts in, 729, 781, 800.  
Act to prevent the owners of Saw Mills, and other persons, from placing obstructions in the Channel of the Bay of, 774, 780.  
Act to authorize the Supervisors of, to levy Special Tax, 774, 781.

## HUNT, D. N.

Act for the relief of, 821, 844.

## HEYDENFELDT, SOLOMON.

Resolution granting leave of absence to, 208, 209, 217

## I.

## ILL-FAME.

Act for the Suppression of Houses of, 591, 572.  
Act to amend an Act to Suppress Houses of, 833.

## IMMIGRATION.

Asiatic. See Gov.'s MESSAGE, 46, 47.  
Act for the Construction of a Wagon Road for the benefit of, 500, 569, 574, 748, 768.

## INDEBTEDNESS.

Act relative to the, of Calaveras County, 222.  
Act in relation to Funding, of this State, 561, 661, 673, 715, 823, 831, 841, 843, 850.

## INCORPORATIONS.

Act relative to, concerning Telegraph Companies, 213, 221.  
Act in relation to the, of Wagon Road Companies, 342, 673.  
Act in relation to the, of Towns, 735.

## INDIANS.

Act to Aid the Officers appointed by the Government in the discharge of their duties, 394, 415, 425, 880.

## INDIAN WAR.

Act for an Appropriation to pay expenses of, 110.  
Communication from the Governor in relation to, 132.  
Resolution in relation to, 143.  
Act to Establish a Commission to collect the Debt of this State from the Government at Washington, 798.

## INSPECTOR.

Act to create the Office of, in the City of San Francisco, 497, 583, 735, 864, 868, 881.

## INSANE ASYLUM.

See Gov.'s MESSAGE, 48, 49.  
Act making Appropriations for, at Stockton, 554, 560.  
Communication from Robt. K. Reid, in reference to, 715.  
Act making Appropriations for Completion of, 833.

## INTEREST.

Act to Regulate, on Money, 16, 172, 425, 576.

## J.

## JAILS.

- Act relative to, in Tuolumne County, 120, 172, 174.
- Memorial in reference to, in Tuolumne County, 134.
- Act to employ Convicts in Counties, 405, 417.
- Act to provide for the Erection of, in Tuolumne County, 746, 754.

## JONES, WILLIAM.

- Act for the Relief of, 754.

## JOURNALS.

- Resolution relative to Printing the, of the Senate, 127, 174.

## JUDGES.

- Resolution requesting Information from the Supreme, 147, 223, 225.
- Act for the Payment of Salaries of District, 204, 240, 730.

## K.

## KERRICK, JAMES.

- Act for the Relief of, 574.

## KLAMATH.

- Act to Change the County Seat of, 287.
- Act to Settle the Boundary Line between, and Humboldt, 294, 396.
- Act to Regulate the Fees of Officers of, 492, 501.
- Act concerning the Officers in the County of, 831.

## KNIGHT, WM.

- Act to Authorize the Administrator to convey certain Real Estate, 812, 820.

## L.

## LAWS.

- Act to Compile the, of this State, 140.
- Resolution relative to Printing the, in Spanish, 152.
- Communication from Secretary of State in relation to Printing the, in Spanish, 154.
- Resolution relative to the Translation of the, in Spanish, 159, 162.
- Act for the Publication of the, 179, 762, 815, 867, 879.

## LANDS.

- Joint Resolution in reference to the Mineral, of this State, 16.
- Act to quiet, Titles 16, 139.
- Swamp and Overflowed. See GOV.'S MESSAGE, 37, 39.
- School. See GOV.'S MESSAGE, 40, 41.
- State, Sales. See GOV.'S MESSAGE, 49.
- Act to Encourage Settlement on Unoccupied, 179, 182.
- Resolution in relation to Sale of Public, 234.
- Act to Quiet Titles to, in this State, 331, 444, 523, 527, 533, 538, 543, 549, 567, 594, 655.
- Act to provide for the disposal of School, 442, 809.
- Act to Lease Tule, in the County of Yolo, 594, 743, 754, 775, 785.
- Act to provide for the Sale of the Swamp and Overflowed, of this State, 811, 844.

## LEGAL.

Act to define the, Distances in this State, 851.

## LICENSE.

Act to Repeal an Act to Enforce the Payment of, 508, 734.

## LIENS.

Act for Securing, to Mechanics and others, 835.

## LIPPINCOTT, C. E.

Resolution of, for the Payment of G. C. Newman, 124.

Act to Construct an Emigrant Wagon Road, 126.

Resolution of, in relation to the Election of U. S. Senator, 166, 167.

Act to fix the Boundary between certain counties, 194.

Petition to add a certain portion of Butte to Yuba County, 234.

Motion of, to Amend Rules, 252.

Act to authorize the formation of Plank Road Companies, 390.

Resolution in relation to Clerks, 404.

Act to fix the time of holding District Court in the Tenth District, 423.

Leave of Absence, 433.

## LOS ANGELES.

Act relative to District Attorney of, 196.

Act concerning the Corporate Name of City of, 273.

Act extending the time of Collecting Taxes in, 567, 575.

## M.

## MAIL MATTER.

Resolution in relation to, 176.

Resolution relative to the transmission of, 214.

## MANDEVILLE, J. W.

Resolution of, in relation to the Election of Officers of the Senate, 10.

Nominated for President *pro tem.* of the Senate, 13.

Motion of, 16, 17.

Resolution of, to appoint Committee to wait on Governor, 17.

Resolution of, concerning Postage, 18.

Report of, of Committee to wait on Governor, 19.

Report of, concerning Election Returns, 86.

Act to divide the State into Congressional Districts, 113, 172.

Act concerning the Salaries of Officers and Pay of Members of the Legislature, 155.

Resolution of, for the Reporters to be furnished with printed Bills of the Senate, 162.

Motion of, to amend the Second Rule of the Senate, 178.

Presented petition from citizens of San Joaquin and Stanislaus Counties in reference to the waters of the Stanislaus River, 349.

Leave of absence, 439, 542.

## MARYSVILLE, CITY OF.

Act to fund the Debt of, 194, 205, 214, 219, 234, 237.

Petitions from citizens of, 212, 410.

Act to amend An Act to Incorporate, 390, 486, 489, 500, 526, 527, 740, 776.

Act to increase the number of Fire Companies, 419, 435, 656, 695.

Petition from citizens of, in relation to Mix Smith, 422, 426.

## MARTINEZ.

Act to incorporate the Town of, 833, 847.

## MARIPOSA.

Act for Special Tax in, 185, 186, 194.  
Act granting the Sheriff of, further time to collect Taxes, 740.

## MARIN.

Act to settle the Line between, and Sonoma, 221, 225, 276.  
Act concerning the Taxes in the County of, 447, 461.  
Act concerning Hogs running at large in the County of, 813.

## McCALLUM, J. G.

Appointed Chairman of Committee on Federal Relations, 113.  
Act concerning Courts of Justice of this State, 156, 158.  
Act to amend An Act concerning Crimes and Punishments, 179.  
Act to repeal An Act to provide for the Protection of Foreigners, 179, 180  
Act concerning Divorces, 279.

## McGEE, J. B.

Appointed Chairman of Committee on State Prison and Public Buildings-  
113.  
Leave of absence, 180.  
Presented petition from citizens of Butte County, 281.  
Presented remonstrance from citizens of Butte County, 281.  
Presented report of Joint Committee on State Prison, 356.

## McCOUN, W. H.

Resolution of, to appoint Committee to ascertain the Rent of Court House  
18.  
Appointed Chairman of Committee on Finance, 112.  
Resolution for Joint Committee to visit the State Prison, 117, 122.  
Resolution of, in relation to deficiencies of the year of 1855, 147.  
Act relative to Settlers on Spanish Grants, 171.  
Resolution of, for Sergeant-at-Arms to wait on the Postmaster, 176.  
Act to secure and encourage settlements on unoccupied lands, 179, 182.  
Act to abolish the office of State Printer, 192, 391.  
Presented the account of Wm. Chambers, 217, 218.  
Resolution of, in relation to the Expenditures of the State Marine Hospital.  
239.  
Act to grant the right of way for a Railway and Wagon Road across the  
Bay of San Francisco, 234.

## McNEILL, A.

Act to create the County of Fresno, 415.

## McMEANS, S. A.

Communication from, 607.  
Report of Committee in reference to, 700.  
Act to provide for a final settlement with, 831, 844.

## McGLENCHY, JOHN.

Elected Door-Keeper of the Senate, 15.  
Leave of absence, 409.

## MEANS, MR.

Nominated for Door-Keeper of the Senate, 15.

## MEMORIALS.

From State Prison Guards to Governor, 52, 53.  
From Theatricals, 126.  
From Supervisors of Tuolumne County in reference to Jail, 134.  
From State Prison Directors, 149, 150, 177.

## MEMBERS AND OFFICERS OF SENATE AND ASSEMBLY.

Act concerning the pay of, 155, 276.



## MEMBERS.

Qualified, 9.

## MERCED.

Act to change the time of holding Probate Court in, 711, 721.

Act to exempt the County of, from An Act concerning County Judges, 712, 785.

Act to amend An Act defining the Boundaries of, 854.

## MESSAGES FROM ASSEMBLY.

18, 85, 117, 118, 127, 142, 159, 166, 182, 185, 186, 196, 202, 216, 219, 233, 273, 274, 276, 286, 287, 288, 294, 300, 333, 334, 341, 347, 354, 386, 394, 402, 403, 411, 417, 419, 430, 431, 446, 447, 465, 473, 481, 492, 508, 526, 536, 537, 554, 555, 567, 568, 572, 587, 588, 598, 600, 655, 696, 701, 709, 711, 712, 718, 719, 723, 729, 735, 737, 740, 741, 754, 755, 766, 773, 776, 792, 793, 810, 811, 823, 830, 831, 832, 833, 834, 835, 850, 851, 852, 853, 854, 855, 857, 862, 863, 867, 868, 869, 880.

## MESSAGES FROM GOVERNOR.

103, 104, 141, 142, 188, 200, 226, 232, 252, 300, 393, 402, 413, 415, 445, 464, 491, 494, 511, 522, 571, 584, 655, 695, 715, 743, 752, 766, 789, 810, 829, 850, 853, 854, 862, 878, 879.

## MILEAGE.

Resolution relative to, and Per Diem of Senators, 124.

Report of Committee on, 127, 134.

## MILITARY.

Communication concerning, 195.

Act to amend an Act concerning, 439, 461, 483, 490, 508, 533, 542, 552, 562, 590, 735, 736, 751, 755, 791.

## MILNER, ROBERT C.

Memorial in relation to, 441.

Act to admit, to Practice Law, 442, 507.

## MILLER, WM.

Elected Engrossing Clerk of the Senate, 14.

## MINES.

See GOVERNOR'S MESSAGE, 30, 31.

Act relative to, and Miners, 140, 276, 283, 498.

Act to exempt Claims from Forced Sale, 547, 668, 674, 704, 707, 718.

Act to protect the owners of Growing Crops in the, 765, 814.

Act to regulate Mortgages on Claims, 854.

## MONTEREY.

Act in relation to County Courts of, 448.

Act to confirm a certain contract of, with Salsbury Haley, 593, 810, 817, 818, 822.

Act to provide for the Funding of the Debt of, 595, 606, 718, 868.

Act to incorporate the City of, 595, 606, 868.

Act to fix the time of holding the several Courts in, 729.

## MONEY.

Act to regulate Interest on, 16, 172.

## MORGAN, HYRAM.

Act for the relief of, 739.

## MORTGAGES.

Act in relation to, in certain cases, 219, 220, 239.

Act to regulate, on Mining Claims, 854.

## MURRAY AND HEYDENFELDT.

Communication from, 273.

## N.

## NAPA COUNTY.

Act to Fund the Debt of the County of, 536, 551, 735, 853.

Act to fix the Compensation of Judge of, 851.

Act to fix the Compensation of District Attorney of, 854.

## NEWSOM, DAVID F.

Act for the Relief of, 540, 558, 566, 835, 842, 843, 853.

## NEWMAN, G. C.

Resolution for the Payment of, for services as Door-Keeper, 124.

## NEWSPAPERS.

Resolution instructing the Sergeant-at-Arms to Furnish, 116.

Resolution concerning, 124, 152.

## NEVADA.

Act to Establish the Boundary between, and Sierra, 126.

Act concerning the Office of Public Administrator in, 506, 521, 572, 593.

Act to Incorporate the City of, 551, 792, 818, 829, 852, 862.

Act concerning the Officers of, 774, 778.

## NOTARIES PUBLIC.

Act concerning, 274, 283.

## NORDHEIMER, B.

Act to authorize, and others to Construct a Wharf at Trinidad Bay, 854.

## NORMAN, W. B.

Resolution relative to State Prison Warrants, 130.

Act to amend an Act concerning Courts of Justice of this State, 157, 199.

Act to Punish the practice of Polygamy, 198.

Act to regulate the Fares and Freights on Steamboats, 216.

Act concerning the Office of County Treasurer, 345.

Act Concerning Corporations, 391.

## O.

## OATMAN, OLIVE.

Act for the Relief of, 656, 731.

## OAKLAND, CITY OF.

Act to Confirm the Contract between, and Rodman Gibbons, 768, 777.

Act to provide for the Funding of the Debt of, 810, 847.

## ODD FELLOWS.

Act in relation to, 774, 778.

## OFFICERS.

Resolution to go into an Election of, of the Senate, 10.

Election of, of the Senate, 13, 14, 15.

Of the Senate qualified, 17.

Act to Regulate the per diem of, of the Senate and Assembly, 150, 151, 155, 174, 182, 184, 186, 192, 202, 276, 426.

Act concerning the Salaries of, and Pay of Members, 155.

Act in relation to Public, 219, 220.

Act concerning, of Trinity County, 225, 237.

Act requiring certain, to report the amount of Fees received, 807.

Act to Legalize the Election of certain, 820.

Act to Establish the Salaries of, and pay of Members of the Legislature, 868, 869.

## P.

PARK, F. A.

Nominated for Sergeant-at-Arms of the Senate, 14.

## PETITION.

- From the North, praying for assistance to suppress Indian Hostilities, 132.
- For the repeal of an Act to discourage Emigration, 146.
- From L. Quint, to be Released from certain Bonds, 169.
- From Mr. Cornwall, 170, 183, 205, 206, 207.
- From G. W. Coffee, 194.
- From Citizens of Marysville, 212.
- For a law to Enforce better Observance of the Sabbath, 221.
- To add a certain portion of Butte to Yuba County, 234.
- From John Valentine & Co., 236.
- From San José, in relation to the Indebtedness of that City, 236.
- From Daniel Johnson and others, in relation to Ditch at Keeler's Ferry, 253.
- From Chas. W. Waite and others, to Prevent the Sale of Merchandise and Produce on Sundays, 254.
- From L. H. Tower and others, for passage of an Act for Maintenance of Indigent Sick in Shasta County, 254.
- From Geo. Herd and others, in reference to Wagon Road from Shasta City to Scott's Valley, 254, 255.
- From the San Francisco Orphan Asylum, 280.
- From Citizens of Butte County, in relation to County Seat, 281.
- From Citizens of Tuolumne, concerning Road Tax, 289, 297.
- From Officers of Butte County, in relation to County Seat, 290.
- From the Members of the Bar of the Fifth Judicial District, 296.
- From Citizens of Colusa County, in relation to County Lines, 336.
- From Citizens of Nevada County, in relation to County Lines, 342.
- From Ladies of Amador, in relation to Sunday Trading, 343.
- From Merchants of the City of San Francisco, in relation to the Gauger of the Port, 343.
- From Citizens of Tuolumne County, for the Relief of Thos. H. Brunton, 344.
- From Citizens of El Dorado, for the Better Observance of the Sabbath, 393, 397, 404.
- From Board of Supervisors of Sacramento, 395.
- From M. W. Gordon and others, in relation to Fifth Judicial District, 397.
- From Mayor and others, in relation to Fire Department in Marysville, 410.
- From Citizens of Ophir and vicinity, for Better Observance of the Sabbath 410.
- From Citizens of State in reference to Foreign Miners' License, 414.
- From Citizens of Sacramento in relation to Settlers, 422, 453.
- From Citizens of Marin County in relation to Orphan Asylum, 433.
- From Citizens of Calaveras, in relation to Wagon Road, 442.
- From Silas Wilcoxon, in relation to Services, 453.
- From State at large for an Act for the Protection of Foreigners, 472.
- From the Uniformed Officers of Militia, 479.
- From Settlers in Yolo County, 479.
- From James Renick, for Relief, 488.
- From Citizens of San Francisco, praying to amend an Act concerning Crimes and Punishments, so far as relates to Negroes, 488.
- From Citizens of Solano County, in reference to Territory, 488.

## PETITIONS.

- From Citizens of El Dorado, in relation to Negroes' Testimony, 496.
- From Citizens, in relation to Settlers' Bill, 497, 513.
- From Citizens of Sacramento, asking Repeal of the Act Excluding the Testimony of Negroes and Mulattoes from the Courts of Justice in this State, 559.
- From Citizens of Sierra County, in relation to Homestead, 784.

## PENDEGRAST &amp; CO.

- Account of, 593.

## PILOTS.

- Act to Establish, and Regulations at Benicia, 549, 559, 587, 654, 695.

## PLACER.

- Act to Work Convicts in, 108, 139.
- Act to Fund the Debt of, 121.
- Act to authorize the Supervisors of, to levy Special Tax, 423, 429, 435, 447, 464.
- Resolution in relation to School Moneys of, 522.
- Act to enable the County of, to take Stock in Sacramento Valley Railroad, 788, 810, 817, 822, 853.

## PLUMAS.

- Act fixing the Lines between, and Yuba and Butte, 419, 422.
- Act to Amend an Act to Organize the County of, 812.

## POLYGAMY.

- Act to Punish the Practice of, 198, 734.

## POSTAGE.

- Resolution in relation to, 18.
- See Gov.'s MESSAGE, 47, 48.
- Resolution relative to, 117.
- Resolution for Committee to make arrangements with Postmaster in relation to, 122.

## POSTMASTER.

- Resolution for Sergeant-at-Arms to wait on, 176.
- Report of, 204, 213.
- Accounts of, 254, 337, 391, 421, 453, 513, 566, 742, 818, 870.

## PRATT, MR.

- Nominated for Chaplain of the Senate, 15.
- Elected Chaplain, 108.
- Communication from, 424.
- Resolution Granting the Use of Senate Chamber, 795.

## PRESIDENT OF THE SENATE.

- Election of the, *pro tem.*, 13.

## PRICE, THOS. F. W.

- Act for the Relief of, 405, 483, 561, 568, 719, 723, 807, 819, 823.

## PRINTING.

- Resolution relative to the Journals of the Senate, 127.
- Report of Sergeant-at-Arms, in relation to Printing, 182.
- Act to Audit certain Accounts, 208.

## PRISONERS.

- Names of, who have Escaped. See Gov.'s MESSAGE, 58, 59.
- Statistical Returns of. See Gov.'s MESSAGE, 60.
- Places of Nativity of, 60, 61.
- Ages of, 61.
- Crimes of, 61, 62.



## PRISONERS.

- Discharged, 62.
- Occupations of, 63, 64.
- Statement of the counties where Convicted, 64.
- Guards and Overseers of. See GOV.'S MESSAGE, 64.
- Dates of Discharges of. See GOV.'S MESSAGE, 65, 66, 67.
- Names of, Pardoned by Governor, 66.
- Escaped and not Retaken, 67.
- Pardons of. See GOV.'S MESSAGE, 68, 70.
- Act for the Confinement of U. S., 119, 148, 154.

## PURDY, SAM'L.

- Called the Senate to Order, 9.

## PUBLIC INSTRUCTION.

- Report of Committee on Report of Superintendent of, 181, 210, 211, 234.
- Resolution in relation to Superintendent of, 333, 334.

## Q.

## QUARTERMASTER-GENERAL.

- Act to abolish the office of, 120.

## QUINT, L.

- Petition from, 169.
- Act for the relief of, 171, 198, 204, 214.

## QUARTZ MILLS.

- See GOVERNOR'S MESSAGE, 32.

## R.

## RAILROADS.

- See GOVERNOR'S MESSAGE, 41, 44.
- Act to amend An Act to provide for the Incorporation of Companies, 276, 562, 588, 765, 791.
- Act to grant the right of way across the Bay of San Francisco, 508, 533, 599.
- Act to extend the time of commencing certain, 793, 819.

## RECORDERS, COUNTY.

- Act concerning the, of San Francisco, 113, 115, 143, 153, 181, 188.

## RELIEF.

- Act for the, of L. Quint, 171, 198, 204, 214.
- Act for the, of Thos. F. W. Price, 405.
- Act for the, of Fire Department of Sacramento City, 439.
- Act for the, of James Renick, 488.
- Act for the, of D. F. Newsom, 540.
- Act for the, of James Kerrick, 574.
- Act for the, of Dan. Aldrich, 581.
- Act for the, of Robert G. Crozier, 581, 770.
- Act for the, of Cyrus Rowe, 655, 706, 749.
- Act for the, of Thomas H. Brunton, 656.
- Act for the, of Olive Oatman, 656.
- Act for the, of Drs. H. and W. P. Gibbons, 749.
- Act for the, of Selim E. Woodworth, 749, 755.

## RELIEF.

- Act for the, of Francis Hardy, 749.
- Act for the, of Richard C. Barry, 754.
- Act to provide for the, of William Jones, 808.
- Act for the, of Martin Porter, 808.
- Act for the, of D. N. Hunt, 821.
- Act for the, of Richard Cole, 854.
- Act for the, of Xavier Van de Castile for Henrietta Delie, 863.

## REMICK, JAMES.

- Act for the relief of, 488.

## REPORTS.

- Of the committee appointed to wait on the Governor, 19.
- Annual. See GOVERNOR'S MESSAGE, 49, 51.
- Of California Land Commissioners, 72, 75.
- Of New Board California Land Commissioners, 76, 77.
- Of Agent of California State Land Commissioners, 77—82.
- Of Committee on Rules and Orders, 94—102.
- Of Controller of State in reference to War Claim, 110, 111.
- Of San Francisco Delegation on Bill concerning County Recorder, 115.
- Of Committee appointed to wait on Postmaster, 123.
- Of Committee to select a Committee Room, 128, 140, 143, 147, 179.
- Of Sergeant-at-Arms in relation to Printing, 182.
- Of Mariposa Delegation, on Bill to levy Special Tax, 195.
- Of Controller of State in relation to Deficiencies, 201.
- Of Postmaster, 204.
- Of Committee appointed to make inquiries concerning Election Returns, 86.
- Of Committee to wait on Lieutenant-Governor, 93.
- Of Select Committee to prepare Rules for the Government of the two Houses, 115.
- Of Special Committee to make arrangements with the Postmaster, 122, 124.
- Of Special Committee to examine the amounts of State Prison Warrants issued, 122.
- Of San Francisco Delegation, on Bill concerning Supervisors, 134.
- Of Committee on resolution requesting information from Supreme Judges, 147.
- To wait upon State Treasurer, 155.
- Of Select Committee on State Land Sales, 159.
- Of Committee to select a Spanish Translator, 162.
- Of the Committee of the Whole, 192.
- Of Yuba Delegation on Bills concerning Marysville, 194.
- Of Committee of Conference in reference to Bill concerning the Per Diem of Officers of the Senate and Assembly, 202.
- Of Superintendent of Public Instruction, 210, 211.
- Of Committee appointed to wait on the Supreme Judges, 223, 224, 225.
- Of Special Committee in relation to the County Seat of Alameda, 239.
- Of Mr. Ashley, on Senate Bill No. 64, An Act to fix the time of holding Courts in Third Judicial District, 292.
- Of Mr. Wilson on Bill to Incorporate the City of Los Angeles, 292.
- Of Mr. Scellen in relation to sales of Public Lands in the City of San Francisco, 298.
- Of Special Committee in relation to State Prison, 308—330.
- Of Joint Committee in relation to Clerks and other Officers, 406.
- Of Yuba Delegation on Fire Companies of Marysville, 423.
- Of Special Committee on Appropriations for Deficiencies, 426.

## REPORTS.

- Of Special Committee on Official Advertisements, 435.
- Of Special Committee in relation to Persons changing their Names, 461.
- Of Yuba Delegation on Bill concerning the Debt of Marysville, 205.
- To examine the Financial Affairs of the late State Treasurer, 212.
- Of Joint Committee in relation to State Prison, 468.
- Of Yuba Delegation on an Act to amend an Act to Incorporate the City of Marysville, 486.
- Of Select Committee to whom was referred Official Advertisements, 498.
- Of Joint Committee in relation to Translating Laws into Spanish, 506.
- Of Joint Hospital Committee on Insane Asylum, 663—665.
- Of Special Committee to examine the Books of late State Treasurer, 674.
- Of El Dorado Delegation in reference to new County, 724.

## REPORTS OF STANDING COMMITTEES.

- Agriculture, 596, 598.
- Commerce and Navigation, 385, 541, 549, 807.
- Corporations, 205, 284, 345, 489, 583, 666, 778.
- Counties and County Boundaries, 284, 291, 298, 338, 350, 383, 560, 583, 706.
- Claims, 183, 197, 204, 205, 234, 297, 406, 483, 508, 512, 602, 604, 705, 763, 773, 807, 808, 843.
- Contingent Expenses, 213, 442, 443, 451, 457, 497, 541, 565, 566, 593, 596.
- Education, 181, 595, 706, 809.
- Elections, 820.
- Engrossed Bills, 141, 151, 152, 154, 174, 182, 214, 285, 294, 295, 300, 302, 341, 348, 349, 383, 396, 403, 421, 422, 426, 435, 473, 480, 484, 500, 501, 506, 533, 549, 559, 560, 566, 571, 582, 590, 594, 596, 606, 673, 706, 717, 720, 755, 819, 820, 823, 845.
- Enrolled Bills, 153, 181, 187, 195, 199, 234, 237, 283, 291, 292, 297, 347, 386, 390, 404, 405, 407, 410, 451, 453, 464, 473, 476, 480, 486, 497, 500, 532, 540, 542, 548, 559, 560, 574, 582, 593, 654, 661, 662, 673, 705, 709, 721, 722, 733, 751, 755, 765, 775, 780, 785, 806, 817, 822, 823, 841, 842, 852, 859, 866, 867, 870.
- Finance, 277, 291, 292, 298, 347, 392, 548, 549, 574, 845.
- Federal Relations, 541.
- Internal Improvements, 560, 807.
- Judiciary, 136, 146, 148, 150, 175, 199, 222, 223, 237, 238, 239, 248, 249, 250, 251, 284, 285, 286, 299, 300, 338, 345, 346, 383, 384, 414, 415, 417, 440, 444, 454, 507, 508, 550, 551, 571, 574, 583, 596, 606, 762, 763, 787, 789, 795, 796, 808, 809, 820, 825, 849, 855.
- Mileage, 128, 134.
- Mines and Mining Interests, 398, 401, 405, 574, 598, 661.
- Military Affairs, 141, 443, 461, 483, 490.
- Public Lands, 331, 594, 706, 844.
- Public Printing, 174.
- Public Morals and Police, 507, 773, 825.
- Roads and Highways, 346, 405, 583, 602, 844.
- State Hospitals, 507, 560, 592, 779.
- State Prison and Public Buildings, 125, 422, 435, 490, 574.

## REPORTERS.

- Resolution to employ an Official, 127.
- Act concerning the Office of, 140, 146, 447.
- Resolution for the, to be furnished with printed Bills of the Senate, 162.

## REPORTERS.

Act to provide for the Election or Appointment of, for Supreme Court, 417,  
454, 470, 481, 482, 501, 750, 775, 785, 853.

## RESOLUTIONS.

That Standing Rules of last Session be adopted, 9.  
That the Senate proceed to the Election of Officers, 10.  
Relative to the Election of Officers of the Senate, 11.  
To inform the Assembly that the Senate was organized, 17.  
To appoint Committee to wait on Governor, 17.  
Relative to Postage, 18.  
Relative to Envelopes and Newspaper Stamps, 18.  
To authorize the Payment of E. O. F. Hastings, for Services as Secretary,  
93.  
Expressing the high Appreciation of the Conduct of the late Lieutenant-  
Governor, Samuel Purdy, 94.  
Relative to Appointment of Governor's Private Secretary, 103.  
Instructing the Sergeant-at-Arms to furnish Newspapers, 116.  
Relative to Postal Arrangements, 117.  
To amend Twenty-First Rule of the Senate, 117.  
Relative to Committee on Clerks, 120.  
For Committee to make Arrangements with Postmaster, 122.  
Relative to the per diem and Mileage of Senators, 124.  
To remove the Office of Secretary of State, 126.  
To employ an Official Reporter, 127.  
In relation to Printing the Journals of the Senate, 127, 174.  
Relative to Appointment of Committees, 128.  
In relation to State Prison Warrants, 150.  
In relation to Committee on Rooms, 135, 140.  
Requesting information of the Supreme Judges, 147, 223, 225.  
Resolution in relation to Immigrant Wagon Road, 147.  
Relative to Deficiencies, 147.  
In relation to State Prison Affairs, 151.  
In relation to Newspapers, 152.  
Relative to Bulletin Board, 152.  
Relative to Printing the Laws in Spanish, 152.  
Relative to Clerks, 154.  
Requesting Information of the Governor in relation to War Debt, 157.  
In relation to Receipts and Expenditures of this State, 175.  
Relative to Mail Matter, 176.  
For Sergeant-at-Arms to wait upon Postmaster, 176.  
Relative to Printing the Governor's Message, 179.  
For the Controller to furnish a Statement of Amount of Warrants issued in  
Year 1855, 181.  
To furnish the Assembly with printed Bills of the Senate, 181.  
In relation to the Treasury of this State, 185.  
Authorizing Secretary of State to purchase a Box to contain valuable  
Papers, 189.  
Relative to the Payment of W. A. Cornwall, 197.  
Relative to the Transmission of Mail and Express Matter, 214.  
Concerning Muster-Rolls of Volunteers, 216.  
Relative to Committee on Public Lands, 217.  
Relative to Gas-light in the Senate Chamber, 220.  
To have the Lamps lighted in front of the Capitol, 225.



## RESOLUTIONS.

- Relative to Sales of Public Lands, 234.
- Relative to Expenditures of the State Marine Hospital, 239.
- Relative to School Lands, 276.
- Relative to Supreme Court, 285.
- Relative to Superintendent of Public Instruction, 333.
- Relative to Controller auditing certain Accounts, 457.
- Relative to Rent of Court Rooms, 497.
- Relative to Committee appointed to examine the Books of the late State Treasurer, 805.
- For the Payment of N. A. H. Ball, 838.
- For the Payment of James Langley, 873.

## RESOLUTIONS, CONCURRENT.

- To canvass the Votes of Governor and Lieutenant-Governor, 16, 85.
- Relative to the Inauguration of Governor and Lieutenant-Governor, 16.
- To appoint Committee to ascertain the Rent of Court House, 18.
- To meet in Joint Convention to elect U. S. Senator, 108, 114, 129, 134, 160, 162.
- Granting Leave of Absence to S. H. Brooks, Treasurer of San Joaquin County, 117, 123.
- For Joint Convention to elect U. S. Senator, 118, 129, 134, 160, 162.
- Granting Leave of Absence to Caleb Dorsey, 119.
- Relative to Arms and Munitions of War, 133, 140, 141, 150.
- Relative to Indian War, 143.
- Relative to State Prison Warrants, 150, 151.
- Relative to Muster-Rolls of Volunteers, 155, 196.
- Relative to Translating the Laws in Spanish, 159, 162.
- For Joint Convention to elect U. S. Senator, 166.
- Relative to Amendments to the Constitution, 166, 171, 220.
- Relative to Adjournment *sine die*, 196.
- Granting Leave of Absence to Solomon Heydenfeldt, 208, 209, 217.
- For Committee to examine the Financial Transactions of the late State Treasurer, 208.
- To audit certain Printing Accounts, 208.
- Relative to our War Debt, 216, 226.
- Relative to Fabiens Stanley, 289, 347.
- Relative to Adjournment on Washington's Birth Day, 386.
- Relative to Officers engaged in Indian War, 393.
- Relative to Port of Entry at Bucksport, 395.
- Relative to Auditing Officers of both Houses, 418.
- Relative to the Introduction of New Business, 425.
- Relative to the Election of N. P. Banks, Jr. as Speaker of the House of Representatives in Congress, 430, 455, 490, 493, 495.
- Relative to Mail Route from Marysville to Oregon Territory, 451.
- To grant Leave of Absence to John S. Hager, 474.
- Relative to the Appointment of A. Thompson, District Attorney in this State for Northern District, 537.
- Relative to Postage Law, 555, 572.
- For the Establishment of a new Land District in the Northern District of this State, 555, 572.
- For the Establishment of a new Land District in the Southern portion of this State, 597.
- Relative to the Extinguishment of Indian Land Titles, 598.

## RESOLUTIONS, CONCURRENT.

- Relative to Indian War Indebtedness, 659.
- Relative to Books from Congress, 659.
- Relative to the Election of U. S. Senator, 794.
- Relative to Superintendent of Public Instruction, 834.
- Relative to Arms and Munitions of War, 868.
- To go into Joint Convention to elect Physicians and Trustees for Insane Asylum, 868.
- For the relief of John C. Cabaness, 871, 881.
- To appoint Committee to wait on Governor, 873.
- For Payment of Sacramento Gas Company, 878.

## RESOLUTIONS, JOINT.

- Relative to the Mineral Lands of the State, 16.
- Relative to the Manifests arriving at the Port of San Francisco, 334.
- Relative to Carson Valley, 448, 550.
- Relative to Sebastian Indian Reservation, 555.
- Relative to Board of U. S. Land Commissioners, 555.
- Relative to U. S. Mails between New Orleans and San Francisco, 696.
- Relative to Railroad, 696.

## REVENUE.

- Act to amend an Act to provide, for this State, 139, 172.
- Act to provide, for Support of Government of this State, 222, 657, 751, 766, 852.
- Act to amend an Act to provide for, 424, 426, 755, 880.

## RHODES, WM. H.

- Appointment of, Private Secretary of the Governor, 103.

## RIVETT &amp; CO.

- Account of, 337, 565.

## RYDER, GEORGE W.

- Appointment of, Port Warden, 139, 142.

## ROADS AND HIGHWAYS.

- Act to improve Wagon Road from Sacramento and Shasta Valley, 110.
- Act to construct Immigrant Wagon Road, 126.
- Resolution relative to Immigrant Wagon Road, 147, 189.
- Communication from the Governor concerning, 159.
- Act for the location of a Wagon Road from Petaluma to Humboldt Bay, 175.
- Act for the incorporation of Wagon Road Companies, 172, 205, 214, 657, 715, 737.
- Act in relation to Immigrant Wagon Road, 210.
- Act to amend an Act concerning, 442, 583, 862, 866, 880.
- Act to provide for the Survey and Construction of, across the Nevada Mountains, 500, 532, 533, 807.
- Act to authorize certain Persons to construct a Wagon, from Shasta City to Shasta Valley, 832.

## ROWE, CYRUS.

- Act for the Relief of, 655, 706, 749.

## ROSS, J. W.

- Elected Sergeant-at-Arms of the Senate, 14.
- Resolution relative to Accounts of, 451.

## RULES, STANDING.

- Resolution that, of last Session be adopted, 9.
- Report of Committee on, 94, 102.

## RULES, STANDING.

- Motion to amend the Twenty-Seventh, of the Senate, 115, 124, 126.
- Joint, of the Senate and Assembly, 137.
- Motion to amend the Thirtieth, 173.
- Amendment of the Second, 195.
- Motion to amend, 252, 449.

## RUST, P. C.

- Appointed Chairman of Committee on Escheated Estates, 113.
- Resolution of, to employ an Official Reporter for the Senate, 127.
- Resolution of, for appointment of Committee for a certain Purpose, 128.
- Resolution of, relative to a certain Newspaper, 152.
- Act for the distribution of Decisions of the Supreme Court, 193.
- Act to amend an Act concerning Corporations, 222.
- Act to regulate Proceedings in Criminal Cases, 353.
- Resolution relative to Atlantic Railroad, 696.

## S.

## SABBATH.

- Act for the Better Observance of the, 202, 237, 729, 773.
- Petition for a Law to Enforce Better Observance of the, 221.

## SACRAMENTO.

- Act for the Relief of the Mayor and Common Council of, 356, 768, 815.
- Act concerning the Fines and Forfeitures in the Recorder's Court in City of, 356, 768.
- Act for the Payment of County Judge of, 391, 558, 589.
- Act to Regulate the Fire Department of the City of, 522, 537, 560, 713, 729.
- Act supplemental to an Act to Incorporate the City of, 588.
- Act to authorize Jno. M. Sidwell to Build a Wharf in the County of, 711.
- Act to authorize the Board of Supervisors of, to Build a Work House and Employ Prisoners, 834, 864.

## SAN LUIS OBISPO.

- Act to Incorporate the Town of, 276, 301.

## SANTA CRUZ.

- Act to authorize J. E. Davis and A. P. Jordan, to Build a Wharf at the Town of, 508, 541, 590.
- Act to authorize David Gherky and others, to Build a Wharf at, 539, 590.

## SANTA BARBARA.

- Resolution in relation to School Money, 508.
- Act to provide for the Payment of the Debt of, 666.

## SAN DIEGO.

- Act to Fund the Debt of, 233.
- Act to amend an Act Creating Board of Supervisors for, 781.

## SANTA CLARA.

- Act to Legalize the Incorporation of the Town of, 447, 499.
- Act in relation to County Courts of, 448, 740.
- Act to Fund the Debt of the County of, 711, 714.
- Act in relation to Hogs Running at Large in, 813.

## SAN JOAQUIN.

- Act in relation to the Court of Sessions in, 413, 479.
- Act authorizing the Board of Supervisors of, to Issue Bonds, 465, 500.

## SAN JOAQUIN.

Act to authorize the Board of Supervisors of, to appropriate Money for Artesian Well, 475, 486.

Act supplemental to an Act to Fund the Debt of, 812, 819.

## SAN FRANCISCO.

Act concerning the County Recorder of, 113, 115, 143, 153, 181, 188.

Act to Repeal an Act Creating Supervisors in, 119, 134.

Act concerning the Collection of Taxes in, 411.

Report of Delegation on Fees of Office in County of, 728.

Act in relation to the Recorder of, 833.

Act to Consolidate the Government of the City and County of, 116.

Act to Repeal Charter and Consolidate Government of City and County of, 536, 604, 711, 712, 745, 747, 755, 767, 776, 791, 820.

Act to Regulate the Fire Department of, 656, 763.

Act to Authorize the Tax Collector of City of, to sell Property for Unpaid Taxes, 862.

## SAN BERNARDINO.

Act to Extend the Time for Collecting Taxes in, 567.

Act to Authorize the Treasurer of, to Retain Money belonging to the State, for certain purposes, 854.

## SAN JOSE.

Petition from, in relation to the Indebtedness of, 236.

Act to Fund the Debt of the City of, 237, 447, 499, 809, 851, 842, 843, 850.

## SCELLEN, J. D.

Act relative to District Courts in Sierra County, 108, 114, 136, 150, 153, 181, 188.

Appointed Chairman of Committee on Counties and County Boundaries, 113.

Resolution Authorizing Secretary of State to procure a suitable Box to contain Valuable Papers, 189.

Resolution of, to adjourn *sine die*, on the 7th of April, 196.

Act for taking the Second Census of this State, 198.

Act to amend the Homestead Law, 220.

Act to Change the Name of C. S. Clark, 221, 237, 238.

Resolution of, to have Lamps lighted in front of the Capitol, 225.

Resolution of, in relation to Sales of Public Lands, 234.

Leave of Absence, 238, 547.

Act for the Relief of Wm. J. Ford, 279.

Presented Petition from Citizens of Butte County in relation to County Seat, 302.

Act to Fund the Debt of Sierra County, 506.

## SCHOOLS, COMMON.

Act to amend an Act in relation to, 573, 706, 813, 823.

Act in relation to the disposal of Lands for, 594, 738, 771.

## SCHLECHWAY.

Act to change the Name of, 233, 237.

## SEATS OF JUSTICE.

Act to Locate the, of Alameda County, 216, 220, 239.

Act to amend an Act Dividing the State into Counties and Locating of, 583.

## SECRETARY OF STATE.

Communication from, in relation to Election Returns, 86.

D. F. Douglas, appointed, 104.

Communication from, 105, 106.

Resolution to Remove the Office of, 126.



## SECRETARY OF STATE.

- Communication from, in relation to Printing the Laws in Spanish, 154.
- Resolution requesting the, to Furnish Muster Rolls of Volunteers, 155.
- Communication from J. W. Denver, former, in relation to Contingent Expenses, 157, 158.
- Communication from, in relation to Muster Rolls, 667.
- Act in relation to, 711.
- Resolution requesting, to Furnish the Senate with Amount of Appropriations, 825.
- Communication from, giving Appropriations of present Legislature, 873.

## SECRETARY OF WAR.

- Communication from, to Governor, 71, 133.
- Communication from, in relation to War Debt, 227.

## SENATE.

- Called to order by Lieut.-Governor, 9.
- Election of Officers of the, 13, 14, 15.
- Organized, 17.
- Appointment of Reporter of the, 127.
- Joint Rules of the, and Assembly, 137, 138, 139.
- In Executive Session, 142.
- Act to regulate the per diem of Officers of the, and Assembly, 150, 152, 155, 174, 182, 184, 186, 192, 202, 287.
- Act making appropriations to pay Officers and Attachés, 857, 880.

## SECRETARY OF SENATE.

- Called the Senate to order, 9.
- Election of, 13.
- Election of Assistant, 13.
- Communication from, in relation to Appointment of Clerks, 158.
- Resolution authorizing the, to purchase a Box to contain Valuable Papers, 189.
- Communication from, in relation to Muster Rolls of Volunteers, 203.
- Communication from, in relation to Absentees, 851.
- Resolution in relation to, 872, 881.
- Thanks to, 881.

## SENATOR, U. S.

- Resolution for Joint Convention to Elect, 108, 114, 118, 129, 134, 162, 166.
- Resolution in relation to Election of, 166, 167.

## SENATORS AND CONGRESSMEN OF THIS STATE.

- Resolution instructing, in relation to War Debt, 216.

## SERGEANT-AT-ARMS.

- Election of, 14.
- Resolution authorizing, to make arrangements relative to Postage.
- Resolution authorizing, to purchase Letter Envelopes and Newspaper Stamps, 18.
- Resolution Instructing the, to Furnish Newspapers, 116.
- Resolution Instructing the, in relation to Postal Matters, 117.
- Resolution with directions to, in regard to Newspapers, 125.
- Resolution authorizing the, to subscribe for the Oriental (newspaper), 152.
- Resolution authorizing the, to procure a Bulletin Board, 152.
- Resolution for the, to furnish the Reporters with printed Bills of the Senate, 162.
- Resolution for the, to make arrangements with Express Companies, 176.
- Resolution for the, to wait upon the Postmaster, 176.

## SERGEANT-AT-ARMS.

Report of, in relation to Printing, 182.  
 Resolution for the, to make arrangements with Express Companies, 214.  
 Resolution in relation to ten days' pay, 871.  
 Thanks of Senate, 881.

## SETTLERS.

Protection to Actual. See Gov.'s MESSAGE, 39, 40.  
 Act relative to, on Spanish Grants, 171, 444.  
 Memorial in relation to, 438.  
 Act for the Protection of and to Quiet Land Titles, 523, 527, 533, 538, 543,  
 549, 567, 594, 655.

## SHASTA.

Act in relation to Courts of, 448.  
 Act for the Better Maintenance of Indigent Sick of, and Siskiyou, 492, 507.  
 Act to Fix, the Time of Holding the several Courts in, 729.

## SHAW, W. J.

Act for a Convention to Revise the Constitution of this State, 16, 122, 123,  
 148, 202, 223, 240.  
 Joint Resolution in relation to Mineral Lands of this State, 16.  
 Act to Quiet Land Titles in this State, 16, 139.  
 Act to Regulate Interest on Money, 16, 172.  
 Resolution of, relative to appointment of Governor's Private Secretary, 103.  
 Act for the Confinement of U. S. Prisoners, 119, 148, 154.  
 Act to Regulate Estates of Deceased Persons, 127, 129, 146, 152, 182, 186,  
 194, 199, 200.  
 Act to allow Persons to Change their Names, 234.

## SHARKEY, DR. T. J.

Communication from, 439.

## SHUCK, MR.

Nominated for Chaplain of the Senate, 15.

## SIERRA.

Act relative to District Court in, 108, 114, 136, 150, 153, 181, 188.  
 Act to establish the Line between, and Nevada, 124.  
 Act to Legalize the Elections held in, 225.  
 Act to Fund the Debt of, 506, 535, 588, 654, 695.

## SISKIYOU.

Act for the Better Maintenance of the Indigent Sick of, and Shasta, 492,  
 507.

## SLATTERLY, MR.

Nominated for Chaplain, 106.

## SMITH, MIX.

Act to Change the Name of, 189.  
 Remonstrance against Changing the Name of, 213.

## SOLANO.

Act Fixing the Time of holding Courts of Sessions and Probate, 547, 561,  
 572, 593, 695.  
 Act to Repeal an Act in reference to Firemen of, 709, 848.  
 Act to authorize the Main Street Company to Build a Wharf in, 718, 807.  
 Act to authorize Board of Supervisors of, to lay Special Tax, 733, 809.  
 Act to Legalize certain Records in, 793, 848.  
 Act to Authorize Benj. F. Forsyth and others, to Build a Wharf in, 556,  
 567, 833.

## SONORA.

Act to Incorporate the City of, 701, 782.

# SONS OF TEMPERANCE.

Memorial from, 825.

# SONOMA.

Act to Settle the Boundary between, and Marin, 221, 225.

Act Fixing the Time of Holding County Courts in, 712.

Act Granting Sheriff of, further time to Collect Taxes, 740.

Act to Authorize the Board of Supervisors of, to Levy Special Tax, 811, 818.

# SPANISH GRANTS.

Act relative to Settlers on, 171.

# STANISLAUS.

Act Granting Sheriff of, further Time to Collect Taxes, 740.

# STATE.

Act to Divide this, into Congressional Districts, 113, 172.

Act to provide Revenue for this, 139, 172.

Act to amend an Act Dividing this, into Counties, 152.

Resolution in Relation to Receipts and Expenditures of this, 175.

Act to Provide Revenue for Support of the Government of this, 222.

Act to amend an Act dividing this, into Counties, 391.

Act Dividing this, into Three, 507, 571.

Act Dividing the State into Counties and Establishing Seats of Justice, 536, 560.

Act Authorizing Suits against, 588.

# STATE CAPITOL.

Act to Provide for the Construction of, 506, 522, 669, 697, 706, 810, 823, 829, 850.

# STATE CONTROLLER.

Resolution authorizing the, to Issue Warrants for the Payment of Hastings and Dickinson, for Services as Secretaries, 93.

Report of, in reference to, 110, 111.

Resolution requesting Information in relation to Deficiencies, 147.

Resolution for the, to furnish a statement of Receipts and Expenditures of this State, 175.

Resolution for the, to Furnish Amounts of Warrants issued in the year of 1855, 181.

Report of, in relation to Deficiencies, 201, 202.

Communication from, 255—272, 293, 305, 843.

# STATE LAND COMMISSION.

Report of Committee in reference to Board of, and Testimony from, 608 to 653.

# STATE PRISON.

Memorial from the Guards of the, to the Governor, 52, 53.

Letter from Governor to James M. Estell, relative to, 54, 55, 56.

Letter from J. M. Estell to Governor, relative to, 55.

Agreement with J. M. Estell, Lessee of, 56, 57.

Resolution for Joint Committee to visit the, 117, 122.

Act to Appropriate Money to the use of, 123, 125, 135.

Resolution relative to, Warrants, 130, 150, 151.

Resolution in relation to Affairs of the, 151, 175.

Act making Appropriations for Temporary Support of, 196, 273, 420, 839.

Report of Special Committee in relation to Warrants drawn, 303.

Reports of Directors of, 311.

Report of Joint Committee on, 356, 383.

## STATE PRISON.

- Act Creating a Board of Commissioners. 482, 501.
- Act to Provide for the Lease and Support of Convicts. 490.
- Act to Provide for the Transportation of Prisoners to 543, 545.
- Act to Provide for the Support of from January, 1856. 697, 719, 724.
- Communication from Commissioners of 656.
- Act to Abolish the Office of Directors. 765, 789.
- Act to Appropriate Money to Defray Expenses of Transporting Convicts to 851, 868, 880.

## STATE PRISON INDEBTEDNESS.

- Agreement of with James M. Estell 66, 67.
- Memorial from. 149, 150.
- Memorial from Old Board. 177.
- Reports from. 308, 311, 400, 414.

## STATE PRINTER.

- Communication from, in relation to Printing the Laws in Spanish. 104.
- Act to Abolish the Office of. 193, 391, 697, 716.
- Act supplemental to an Act to Terminate the Duties of 726, 728.
- Resolution in relation to Cost of Printing. 712.
- Communication from, in relation to Cost of Printing. 724, 745.

## STATE TREASURER.

- Committee appointed to wait upon. 155.
- Act authorizing the, to Issue Land Warrants to G. W. Coffee. 197.
- Resolution for Committee to Examine and Recommend A Acts of the late 205.
- Act to amend an Act Concerning Office of. 288, 438.
- Act to authorize the Issue of War Bonds to certain persons. 548, 571.
- Act Concerning Office of. 595, 719, 720, 868, 880.
- Resolution to Draw Warrants in favor of certain parties. 597.
- Report of Committee to Examine Bonds of late 574—575, 720.
- Act to Authorize, to pay certain Coupons. 766, 775, 785, 791.

## STEAMBOATS.

- Act to Regulate the Fare and Freight on. 216, 222, 234, 264, 290, 480, 511, 514, 521, 570.

## SUTTER.

- Act to Submit the question of Removal of the County Seat of to the Voters of said County. 784, 856.

## SUPERVISORS. BOARD OF.

- Resolution for Committee to Confer with the, of Sacramento County, in relation to the use of the Court House. 18.
- Act to repeal an Act Creating, in San Francisco County. 119, 134.
- Memorial from, of Tholomne County, in reference to Jail. 134.
- Act to amend an Act Creating a Board of in the Counties in this State. 536, 606, 686, 811, 831.
- Act to amend an Act Creating a Board of. 565, 723.

## SURVEYOR-GENERAL.

- Communication from, to Governor. 83.
- Act appropriating Money to Defray Certain Expenses of 779, 785, 861, 862.

## SWASEY, GUSTAVUS A.

- Nominated by the Governor as Port Warden at San Francisco. 282.

## SWOPE, H. K.

- Act for the Relief of. 341, 402.



## T.

## TAXES.

- Act to reduce the, of Chinese Miners, 111.
- Act for Special, in Tuolumne County, 120, 172, 174.
- Act for Special, in Mariposa County, 185, 186, 194.

## TEHAMA.

- Act to create the County of, 568, 706, 774.
- Act supplemental to Act creating the County of, 812.

## TELEGRAPH.

- Act concerning, Companies, 213, 221.

## TILFORD, FRANK.

- Act to amend Act regulating Proceedings in Criminal Cases, 108.
- Appointed Chairman of Committee on Engrossed Bills, 113.
- Act concerning the Office of County Recorder in San Francisco, 113, 115, 143, 153, 181, 188.
- Resolution of, to amend the Twenty-First Rule of the Senate, 117.
- Act concerning the Office of Reporter, 140, 146.
- Resolution relative to Mail and Express Matter, 176.
- Leave of Absence, 180, 212, 238.
- An act to change the name of W. E. Ward, 189, 238.
- Act authorizing State Treasurer to issue Land Warrants to G. W. Collee, 197.
- Act concerning Appeals in certain Cases, 197, 226, 234.
- Act to amend an Act concerning Crimes and Punishments, 210.
- Act relative to Estates of deceased Persons, 222, 226.
- Presented a Petition from John Valentine, 236.
- Presented a Petition from Managers of San Francisco Orphan Asylum, 280.
- Resolution relative to Fabiens Stanley, 289.
- Presented a Petition from Merchants in San Francisco relative to Gauger of the Port, 343.
- Act to regulate Proceedings in Civil Cases, 345.
- Act for the relief of Insolvent Debtors, 397.

## TOWNS.

- Act for the Incorporation of, 513, 583, 735, 754, 785, 829, 852, 862.

## TRANSLATOR.

- Resolution for Committee to select a Spanish, 159, 162, 505.
- Appropriating Money for, 740, 752.

## TRASK, DR. J. B.

- Annual Report of, 491.

## TREASURY.

- Resolution relative to the, of this State, 185.
- Act for the better Protection of, 709, 762, 796.

## TRINITY.

- Act concerning Officers of, 225, 237, 353, 557.
- Act to authorize Sheriff of, to collect Licenses 394.
- Act to provide for assessing additional Tax in, 793, 810.

## TUOLUMNE.

- Act for Special Tax in, for Jail Purposes, 120, 172, 174.
- Memorial in reference to Jail in, 134.
- Act to authorize the Sheriff of, to collect Taxes, 394.

## TUOLUMNE.

Act to provide for the erection of a Jail in, 587, 746, 754.  
 Act to enforce the collection of Road Tax in, 846.

## TULARE.

Act fixing Traveling Fees in County of, 740.  
 Act fixing the Salaries of Judge and District Attorney of, 740.

## V.

## VALENTINE &amp; CO.

Petition from, 236.

## VAN ARNAM, JOHN.

Act for the Relief of, 333, 338, 341.

## VOLUNTEERS.

Resolution relative to Muster-Rolls of, 155, 196, 216.  
 Communication from Secretary of State relative to Muster-Rolls of, 203.

## VOTES.

Resolution to canvass the, of Governor and Lieutenant-Governor, 16, 85.  
 Message from the Assembly relative to counting the, of Governor and Lieutenant-Governor, 85.

## W.

## WAITE, E. G.

Appointed Chairman of Committee on Indian Affairs, 113.  
 Act to Establish the Line between Sierra and Nevada Counties, 126.  
 Act to amend an Act Dividing this State into Counties, 152.  
 Act for Taking the Census of this State, 152.  
 Act concerning Fees of Public Administrators, 222, 238.  
 Act to Separate the Office of Collector of Taxes from the Sheriff in the County of Nevada, 302.

## WAITE, A. E.

Elected Enrolling Clerk of the Senate, 14.

## WALDRON, MR.

Nominated for Secretary of the Senate, 13.

## WARD, WM. E.

Act to Change the Name of, 189, 238.

## WAR DEBT.

Report of Controller of State in reference to, 110, 111.  
 Resolution requesting Information of the Governor in relation to, 157, 226.  
 Resolution in relation to the Collection of, 216, 226.  
 Communication from Governor in relation to, 226, 232.  
 Communication from Secretary of War in relation to, 227.

## WARRANTS.

Resolution Authorizing Controller to Issue, in favor of Hastings and Dickinson, for services as Secretaries, 93.  
 Appointment of Committee to Examine the Amount of State Prison, issued, 122.  
 Resolution relative to State Prison, 130, 150, 151.  
 Resolution for Controller to State the amount of, issued in the year 1855, 181.

## WARRANTS. !

Act to Prohibit the Payment of certain, 182, 186, 187, 188.

Act Authorizing State Treasurer to issue Land, to G. W. Coffee, 197.

## WESTMORELAND, C.

Appointed Chairman of Committee on Mines and Mining Interests, 113.

Resolution of in relation to Committee Rooms, 134.

Act concerning Mines and Miners, 140.

Leave of Absence, 180, 238, 331.

Act in relation to Mining Claims, 276.

## WILLIAMS, JONATHAN.

Act to Lease to, the Tule Lands in Yolo County, 743, 754, 775, 785.

## WINN, GEN. A. M.

Act for the Relief of, 602.

## WOODWORTH, SELIM E.

Act for the Relief of, 749, 755, 773, 785, 791.

## Y.

## YOLO.

Act to lease the Tule Lands in the County of, 743, 754, 775, 785,

Act to fix the Compensation of Judge of, 851.

## YUBA.

Remonstrance from, against changing the name of Mix Smith, 213.

Act to fix the Lines between, and Butte and Plumas Counties, 419, 424.

Act concerning the Records of, 565, 854, 880.

Act to provide for the Indigent Sick of, 657, 666.

Act to prevent Hogs running at large in County of, 740.

Concurrent resolution relative School Moneys of, 834.

8/8/80 a.m. - 12.00





























































